California Journal
The Monthly Analysis of State Government and Politics
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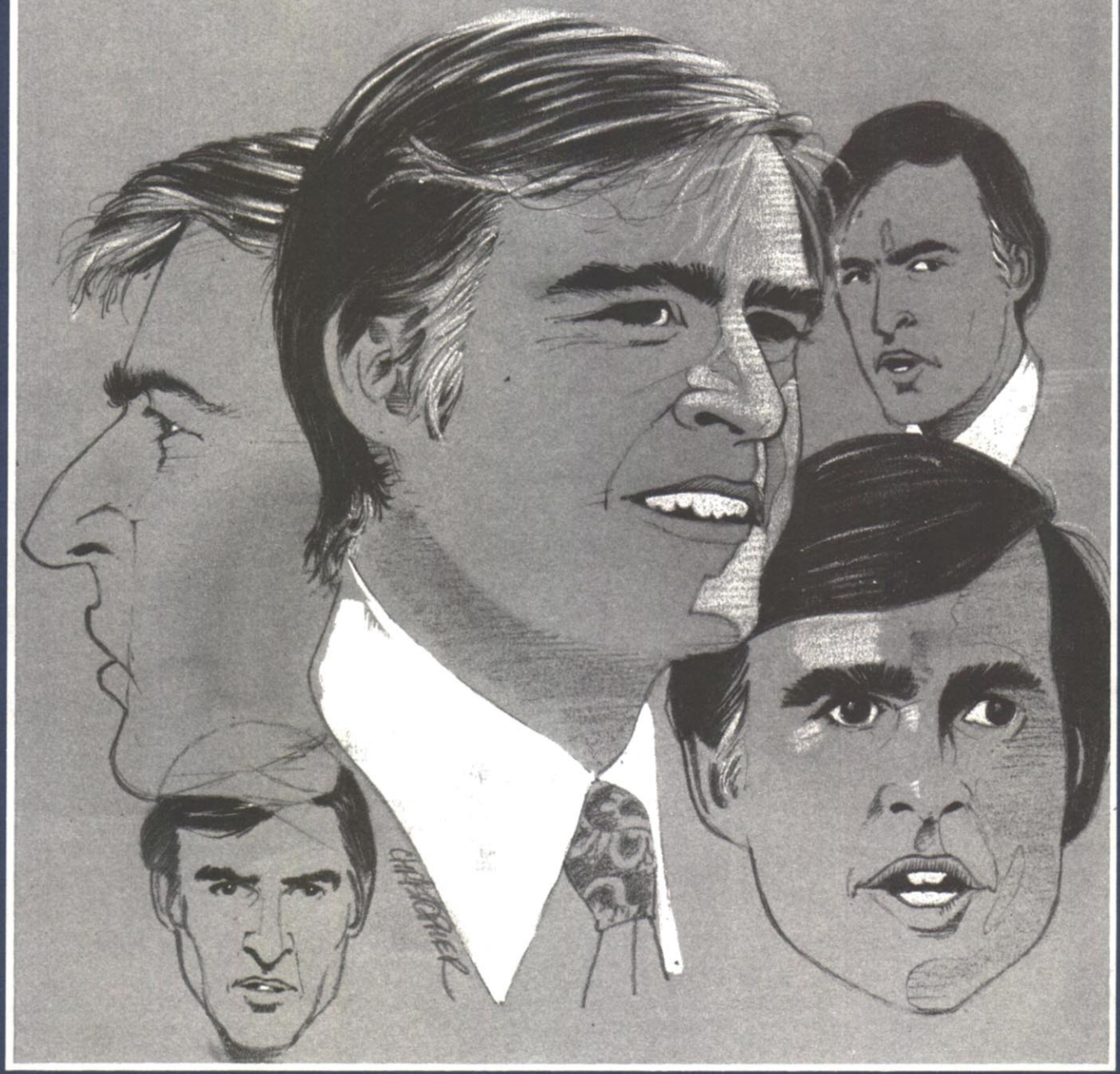
The Jerry Brown years: legacy, legislation and legend



The gun control shootout

Even higher electricity bills ahead?

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The following caption appeared in the May 9th issue of the *New York Times Magazine:* "California's Chinese-born Secretary of State March Fong Eu, fears a new wave of anti-Asian feeling in parts of the country." Since when has Oakdale (Stanislaus County) moved across the Pacific?

The Waxman-Berman political organization worked hard and long on both Gray Davis and Conway Collis to get one of them to run for the state Board of Equalization instead of battling each other for an open Assembly seat. Davis' version of the outcome: "Collis blinked and I didn't."

Candidate with a sense of humor: Phil Kazanjian, a Republican candidate for state treasurer, printed a few copies of his brochure with a picture of actor Tom Selleck on the cover.

State Senator John Doolittle of Sacramento wants it known he is not the "running mate" of Assembly candidate Bill Green, even though both have very tight connections to the political organization of state Senator Bill Richardson. Says Doolittle: "Because of my own difficult race, and the need for unity among the voters of my district, I have not endorsed any candidate for the 6th Assembly district."

A California winery is featured in this advertisement at John F. Kennedy Airport in New York:

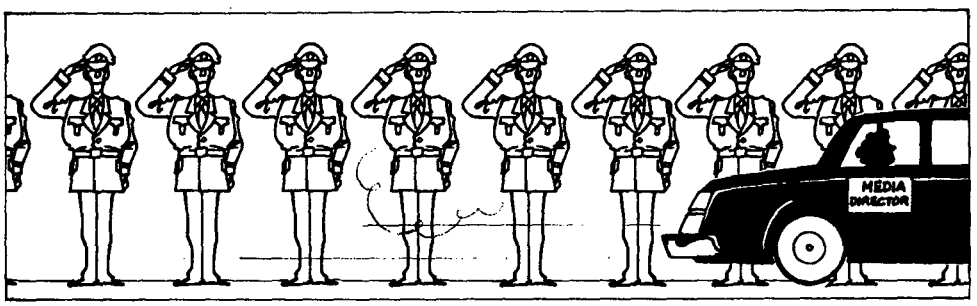
Did you see the flashing light?
DIAL A COCKTAIL
for your dining pleasure

1. Pick up the white telephone receiver located underneath the sign DIAL A COCKTAIL.
2. Cocktail waitress will answer.
3. Order your favorite cocktail or a glass of ALMADEN Burgundy or Chablis.
4. Your cocktails will be delivered to your table.

The California Teachers Association is pushing the tax advantages of donating funds to its Political Action Committee. In a promotional flyer sent to teachers, CTA tells its members how to buy $100 worth of political clout for only $43; "Teacher Debbie Johnson contributed $100 to NEA/PAC and her favorite candidate in 1981. Net cost to Johnson: only $43! She gets a $50 credit on federal income tax and a $7 reduction on state income tax." This is based on the reasonable assumption that the teacher earns at least $20,000 a year.

Here's the inside story on the launching of the big-time career of John Roche, who recently was given the world's highest honor for an architect, the Pritzger Prize: Some 20 years ago Oakland voters approved a bond issue to build a new museum in the heart of the city. The city wanted the museum to help put Oakland on the map and insisted that the building be designed by one of the most famous architects in the world. The who's-who in architecture was recruited to present proposals for the museum. One of those on the invitation list was Eero Saarinen, who died before the interview was scheduled. His widow, Ilene, successfully begged the city selection committee to give the Saarinen firm a chance. Junior partner Roche presented a revolutionary scheme for a garden structure, and the committee selected Roche's highly acclaimed design over those of the big names.

This column started with an erroneous item from the *New York Times*, so we ought to balance the scales by pointing out that the newspaper has given plenty of space to the touting of Sacramento as a desirable stop for tourists. Essence of the piece by Robert Lindsey, chief of the paper's Los Angeles bureau: "Until a few years ago, there wasn't much to attract out-of-state visitors to Sacramento. Tourists could focus on Los Angeles, San Francisco, Yosemite National Park and other points without fear of missing anything in California's capital. Indeed, about the only out-of-towners who came at all were state legislators who inevitably lamented the quality of its hotels and restaurants, and the lobbyists who came to curry special favors from the legislators. Sacramento has evolved since then into a surprisingly cosmopolitan, self-contained city with a new reverence for art, drama and history that is helping to give the sleepy old capital a vibrant new sense of vitality." Arguments, anyone?



The April issue of *Savvy*, which describes itself as a magazine for "executive women," contains a short piece by Caren Daniels explaining why she is a media director, not a press secretary:

"Several years ago, my boss (California Secretary of State March Fong Eu) and I were visiting a naval base where she was the scheduled keynote speaker. The 'big brass' were sent to the airport to meet us and transport us to the luncheon. After introducing me to the officers (all male) as her 'press secretary,' they promptly relegated me to the rear vehicle in the 'parade' for our short ride. My boss rode in the lead car with the military dignitaries. During the trip, she explained my function to the officers, who became most embarrassed and apologetic at having assumed that I was 'just her secretary.' At that moment, my boss decided I should no longer be called 'secretary,' since my professional status was not clearly defined by the word. When promotion time rolled around, she created a new job classification for me — media director. Although some people are still uncertain about my responsibilities, you can bet the term 'director' has moved me up to the front escort car."

Would a male boss have done the same?

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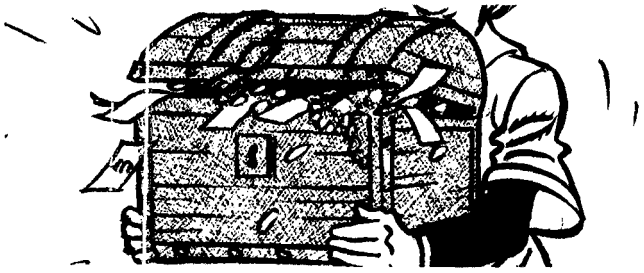

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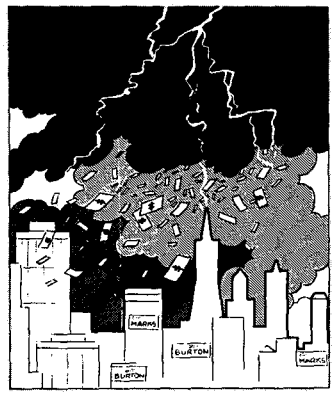
Personal
PERSPECTIVE
By Ed Salzman

Marks and sparks

State Senator Milton Marks remarked a few years ago that if he were a registered Democrat, "I'd be re-elected by acclamation." As it happened, two years ago Marks won the Democratic nomination by write-in and was re-elected by an 85-15 margin over his lone opponent, a Libertarian.

Marks' success is difficult to explain. He is anything but charismatic. He is a nervous nelly. Yet he gets elected in perhaps the most loyally Democratic county in the state, San Francisco.

There are three reasons why Marks has been able to get himself elected to the Legislature time after time (although San Franciscans refused to take his one-time candidacy for mayor seriously). While he runs with the Republican label, he votes and talks more like a Democrat — and makes sure that the electorate is aware of his liberalism. Secondly, he takes no political risks. (When the late George Moscone was in the Senate, Marks went to extremes not to be at odds with his ultra-liberal Democratic colleague.) Perhaps most importantly, Marks works extremely hard, attending every possible function and shaking every outstretched hand.



Marks has not hesitated to make himself a pariah within the Republican caucus. He so angered Bill Richardson on one occasion that Richardson took a punch at Marks. To those who question his disloyal voting record, Marks has a simple answer: His district is Democratic, and a GOP voting record would give him a quick ticket to retirement.

Suddenly, Marks is a national political hero. He is the GOP David being sent into battle (with as much money as he needs) to slay the Democratic Goliath, Congressman Phil Burton of San Francisco.

On paper, the Marks challenge looks foolish. Burton is a powerhouse public official with support from the Democratic Party, organized labor, the environmental movement, the poor and minorities. He is a strong campaigner who has a reputation for being ruthless with his political enemies.

But Marks' strength lies in Burton's weakness. There are few people who feel lukewarm about Phil Burton. If they know him, they tend to love him or hate him. He is a humorless political tiger and one of the most effective members of Congress. When he sinks his teeth into a subject, he doesn't let go until victory has been assured — even if he takes a setback or two along the way. One of those subjects was last year's reapportionment of congressional districts. Burton did such a magnificent job carving out Democratic seats that he angered Republicans across the country. The GOP turned to its house "Democrat," Milton Marks, to get revenge.

Now, Burton faces the job of convincing his constituents that his redistricting plan was not a capital political offense and that he will be a much more effective congressman than Marks. Republican money will be spent by Marks convincing the voters of San Francisco that if they send him to Washington, he will continue to act like a Democrat.

At 61, Marks has little to lose. A victory over the mighty Burton would be a capper for his career. If he loses, he can remain in the Senate. Burton has plenty to lose — including an end to his dream of becoming speaker of the House of Representatives.

Logic dictates that Burton should hold the seat. But Marks has left a path strewn with Democratic opponents who should have beaten him.

ROSTRUM
Short letters from subscribers are encouraged.

Steve Rhodes

Enjoyed your article (April) about people in the Reagan Administration. But you missed covering one key individual — Steve Rhodes, special assistant to the president for intergovernmental affairs. Steve is the only black special assistant to the president. More importantly, for the first time in my experience as an elected official, we have an individual in the White House who is always available to listen to the concerns of local government.

PETE SCHABARUM
Supervisor, Los Angeles

Tom Nasiff

In your article on Californians in Washington, you failed to mention my fraternity brother, Tom Nasiff, who is acting chief of protocol for the State Department.

MICHAEL D. ANTONOVICH
Supervisor, Los Angeles

Changed mind

As the editor of a partisan newsletter . . . I can be quite partisan in my writing and can easily recognize partisanship in the writing of others. And, as the writer, researcher, and producer of a news program that is non-political and is therefore non-partisan, I do indeed know the difference.

It was brought to my attention that in the April issue, you listed only our (American Independent Party) candidates for the offices of governor, U.S. Senate, 10th and 11th congressional districts and 11th and 20th Assembly districts. Fortunately, a friend brought to my attention today that your May issue listed the names of our candidates for other offices. As a result, I must rewrite one of my newsletters.

I had written an article that blistered your *tocus* by branding you either as extremely biased or one of the poorest researched publications of any stature. It had reminded me of the day that William K. Shearer said: "There are about enough Republicans in Sacramento to hold a fair-sized convention in a telephone booth; yet it is they who initiate most of our problems in the Legislature." I am sure that you try to avoid showing any bias in the *California Journal*.

RAYMOND O. HEAPS
American Independent Party,
San Francisco

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Will Brown be remembered as "Brownstone the Magnificent Manipulator," "Governor Moonbeam," "Jerry Jarvis" or as the chief executive who changed the face of state government?

Judging Jerry

By ED SALZMAN

Will Jerry Brown be remembered, as some cynics have suggested, as the man who happened to be governor when Howard Jarvis engineered the taxpayers' revolt?

Will he be remembered as the governor who changed the face of California government through the wholesale appointment of women and minorities to the highest offices in the state?

Will he be remembered as Brownstone, the political magician who repeatedly extricated himself from escape-proof boxes to win yet another high office?

Will he simply be remembered as the flaky Governor Moonbeam who advocated 21st Century exploration in the 20th Century?

Or will future President Jerry Brown hardly be remembered as a former governor of California? (Many Americans do not know that both Theodore and Franklin Roosevelt served as governor of New York.)

With Brown only a few months away from completing his two terms as California's chief executive, the plethora of ways his governorship can be assessed tells the basic story about the past seven and a half years: He may have been a good governor or a bad one. He may have squirmed and feinted on issues in response to the public mood. He may or may not have been a different kind of politician. But at all times he managed to make himself interesting.

Only 44, Brown will be finishing two terms as governor at an age when many others are just beginning their political careers. He has made no secret of the fact that he covets the highest office in the land. If Brown should reach the White House, historians will hardly care what he did as governor. In fact, if he should manage to reach the United States Senate next year, his accomplishments there could overshadow his time in Sacramento.

'IF YOU LIKED MY HOWARD JARVIS, YOU'LL LOVE MY RONALD REAGAN!'

On the other hand, Brown's career could come to a crashing halt on November 2nd. If California voters put him out of office, it would be the first time he has lost since he began his elective career by winning a spot on the Los Angeles community college board of trustees. At his age, he could still try for a comeback, but that would be a very difficult feat — especially for one who has not concentrated on building bridges within the political establishment, except perhaps in the last couple of years.

At this point, the important question is not how Brown will be rated decades from now, but how he deserves to be remembered based on accomplishments and failures that are fresh in the minds of Californians. How good a governor was he? Did he deliver what he promised?

Objective assessments of governors are impossible — assuming that they are not corrupt or stupid. Whether Brown has been doing a good or bad job depends upon the interests of the individual or organization making an assessment. If you favor development of nuclear power, Jerry Brown has been an abominable chief executive. If you want more convicted felons sent to state prison, he has been a marvelous governor.

Without doubt, Californians received more from Brown than he promised. That is because Brown has never promised much. Playing it safe, he first ran for governor pledging to give Californians little more than a "New Spirit." In his second term, Brown has mainly been concerned with fiscal problems resulting from the tax revolt. Brown's problems with the public have stemmed more from his presidential campaign activities than from his performance as governor.

How should he be remembered? Without doubt, the biggest change Brown brought to California government was an end to white male domination of virtually all positions of power. Of 5,680 appointments made by the governor through mid-April, 1,367 were to women, 412 to blacks, 517

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to Chicanos, 255 to Asians and 44 to Native Americans. Gray Davis, the future assemblyman who served as Brown's chief of staff and alter ego for seven years, claims that Brown "changed the face of state government forever by opening doors from which women and minorities had previously been excluded. This acquires greater importance when we see a Reagan essentially trying to step back from that." Will this be Brown's greatest legacy, or will future governors be able to restore white male dominance to the power posts in Sacramento? There are those who feel that a backward move will be impossible because women and minorities will apply tremendous political pressure on Brown's successors to retain his open-door policy.

The statistics tell only part of the story, because Brown did not give women and minorities routine appointments. He placed the first woman, black and Latino on the state Supreme Court. Look at some of the other posts now held by women: Mary Ann Graves, director of finance; Lynn Schenk, secretary of business, transportation and housing; Alice Lytle, secretary of state and consumer services; Mary Nichols, secretary of environmental affairs and head of the Air Resources Board; Deni Greene, director of the Office of Planning and Research; Geraldine Green, commissioner of corporations; Doris Alexis, director of motor vehicles; Linda Yang, savings and loan commissioner; Adriana Gianturco, director of transportation; Beverlee Myers, director of health; Carla Bard, chairwoman of the Water Resources Control Board; Ruth Rushen, director of the department of corrections, and Alice Huffman, director of the office of economic opportunity.

Some of the women appointed by Brown have turned out to be major political problems. Notable among them is Chief Justice Rose Elizabeth Bird, who was the superstar of the early months of the Brown Administration as secretary of agriculture and services. Also controversial is Gianturco, who has run into violent legislative opposition to her Brown-backed efforts to balance motorways with mass transportation systems.

The appointment of Bird as chief justice was Brown's grandstand play to illustrate his commitment to granting women equality with men in state government. Bird had no previous judicial experience and was known as a strong-minded individual with reformist tendencies. Brown could have avoided a great deal of political grief — for himself and Bird — had he named her as an associate justice and then moved her up to chief justice if and when a vacancy occurred in that post (a move that could have been assured had he named the late Justice Mathew Tobriner to the post). Instead, Bird has become the focal point for virtually every controversial decision issued by the court — even though it takes four votes to provide a majority for a decision. It is impossible to establish how much of the opposition to Bird stems from her liberal ideology and how much stems from the fact that she is a trail-blazing woman.

With such a record of appointments, Jerry Brown should have attracted women and minority groups across the nation to his presidential campaigns. After all, he has probably appointed more women and minorities to important posts than any other elected official in modern history. But there was no such backing for Brown. The probable reason is that Brown's method of operations left questions as to his sincerity. Women especially were left wondering whether Brown sincerely believed in giving women equality or whether he was making his appointments for political purposes. Brown's all-male team of close political advisers — Gray Davis, Tom Quinn, Richard Maullin, Richard Silberman — gave substance to the doubts.

Diablo and the death penalty

There could be no such doubts as to Brown's feelings about energy. From his first day in office, he has been totally committed to a program of energy conservation and opposition to nuclear power. Davis states flatly that if Brown had not been governor, Diablo Canyon would now be on line and two more nuclear power plants would probably be on the way. Under Brown's leadership, the rate structure for electricity was changed. When he took office, the more power one used the lower the rate would be per kilowatt. Now, the reverse is in effect, and there are incentives for utility companies and consumers alike to conserve. Brown has consistently opposed the nuclear industry — whether it be for the construction of power plants or the development of weapons in the University of California laboratory. He has worked with the Legislature in promoting the use of so-called alternate sources of energy (solar, small hydroelectric, geothermal, cogeneration) and in the granting of tax credits for those investing in conservation. Brown probably does not get the credit he deserves from consumers because electricity rates have been rising.

Brown often gets a bum rap on the crime issue. Former Assembly Republican leader Carol Hallett referred to Brown as a "born-again crime fighter" at the start of the

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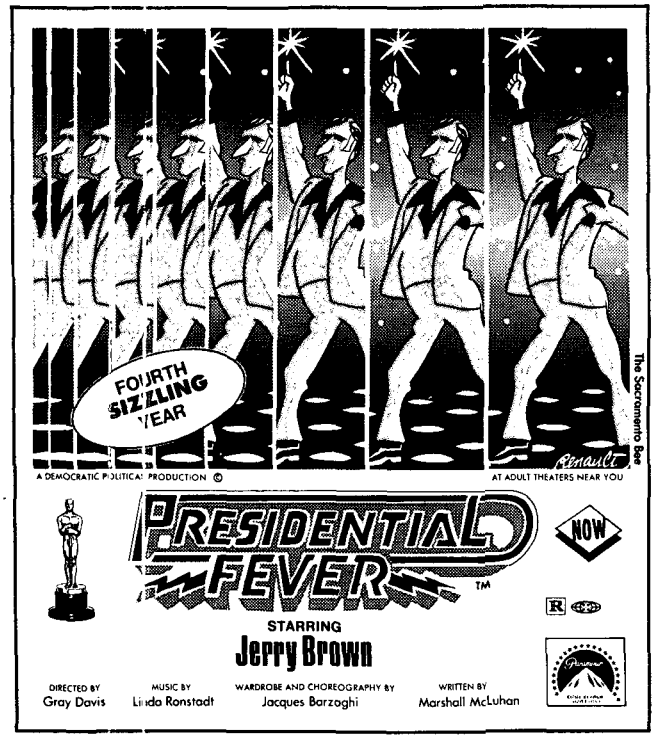

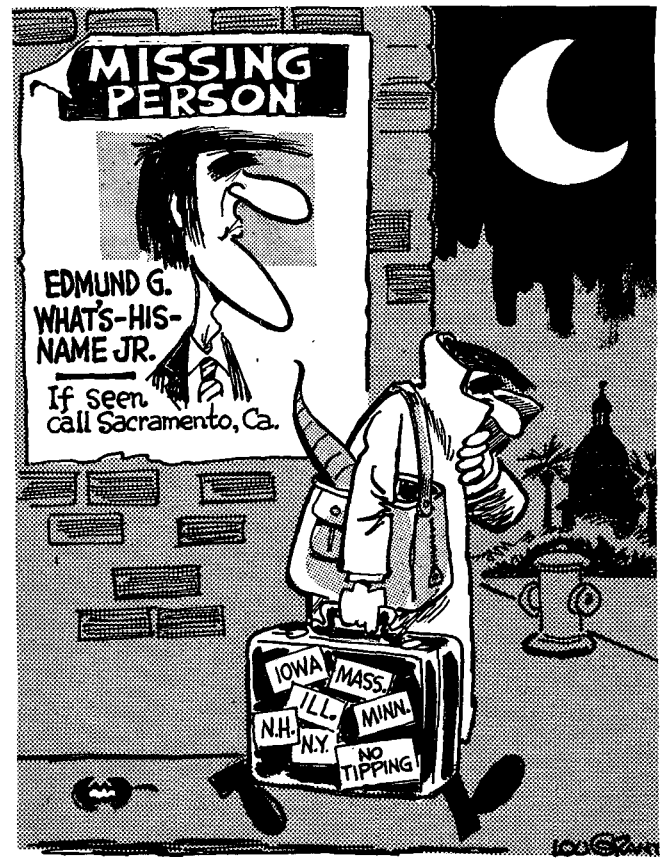

Jerry Brown's antics have provided inspiration for California cartoonists. These drawings are some of the favorites of freelancer Paul Duginski of Sacramento, Lou Grant of the Oakland Tribune, Steve Greenberg of the Daily News in Van Nuys and Dennis Renault of the McClatchy Newspapers.

1981 session when legislators realized that the public was aroused about crime and raced each other to the front of the law-and-order parade. Brown suffered in the crime area because of his long opposition to the death penalty. This issue retains a great deal of media sex appeal, but it is barely relevant in modern America, because capital punishment has been virtually eliminated by the courts.

The last time California had a working death penalty — and a generally tough penal policy — was in the first term of Jerry's father, Pat Brown. The Ronald Reagan Administration, in an economy move, reduced the number of convicted felons in the prison system. During the Pat Brown and Reagan administrations, the liberals controlled the pivotal Assembly Criminal Justice Committee, which repeatedly rejected bills that would create new crimes or increase penalties for the old ones.

Jerry Brown was a key player in the changes of the state's crime laws. He endorsed measures that had previously been defeated by the committee, and the bills were signed into law. Over the objections of a few die-hard liberals like Senator Alan Sieroty, Brown pushed the indeterminate sentence plan into law. He appointed a conservative Republican, former state Senator Howard Way, as head of the corrections system. The liberal walls came tumbling down. Last year Brown declared: "I've signed more tough anti-crime measures than any other governor in the history of California. The number of people going to prison has gone up 100 percent, and I'm proud of that." One liberal Supreme Court justice privately calls Brown's views on crime "Draconian." The prisons are so full that the state soon will face the choice of building many more prisons or releasing felons ahead of schedule.

If Brown has been so tough on criminals, why is he still subject to Republican attack? Why is the public still unsatisfied? The answer is that legislation and imprisonment are not the total solution. The annual report on crime by the attorney general's office contains the statistic that tells part of the story. Some 80 percent of the reported major crimes never lead to an arrest. And that does not take into account the many crimes that are never reported.

Another source of criticism of Brown is that he is so pro-environmentalist that he has allowed the economy of the state to suffer. At times, business spokesmen like President Bob Monagan of the California Manufacturers Association have blamed Brown for creating an adverse business climate in the state. Brown had himself to blame for that accusation. His pro-environmental stand, his love affair with the phrase, "Small is beautiful," and the failure of Dow Chemical and Standard Oil of Ohio to build major plants in the state all contributed to the state's reputation for being bad for business.

After Dow abandoned its plans for a petrochemical plant in the San Francisco Bay area, Brown attempted to improve his image in the business community with a series of positive steps, including the appointment of some pro-business executives to key posts in his administration. Perhaps more significantly, Proposition 13 (which Brown opposed) reduced the tax burden on industry by a substantial amount in the state and eliminated one of the prime business criticisms of California — that its taxes were too high.

In defense of his economic record, Brown claims he has put to rest the myth that an economy can flourish only at the expense of the environment. During the past seven and a half years, California has maintained the nation's toughest air and water pollution standards and has enacted tough laws against toxic waste. Yet during that time, one out of every four new jobs nationally has been created in California and the state has been generally prosperous, especially when compared to other large states. Has California's economy remained strong for reasons that have nothing to do with government, such as the national trend toward development in the Sun Belt? Or have the Brown fiscal policies created a healthy environment for business?

Brown's fiscal policies, in fact, have proved frustrating

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for Republicans. He has been so tight with the dollar that at times it has been the GOP that has demanded increases in funding — for education, for example — as a price for getting out a budget. He has usually been far more conservative than the Legislature on spending, and he has worked hard to prevent tax increases. Brown himself probably expressed how he feels about state budgets: "I'm not conservative. I'm just cheap." He did obtain funding for some pet projects, such as the California Conservation Corps, the Office of Appropriate Technology and the California Arts Council. But the amount of dollars involved were not huge, especially when compared to a budget that now exceeds $25 billion.

Fiscal Fat City

Ronald Reagan left Brown in a fiscal Fat City, with a healthy surplus and a tax structure that far outpaced the state's needs. Brown guarded that surplus in his first term, fighting off those who would increase spending for social programs and use every available dollar. The surplus was a prime weapon in the campaign of Howard Jarvis and Paul Gann in favor of Proposition 13, which cut property taxes dramatically. It was also used by those who fought successfully for the placement of a cost-of-living index on the state income tax. After Proposition 13 was enacted in June of 1978, Brown went into his now-famous "Jerry Jarvis" act, implementing the measure as though he had invented it. The public gave the act rave notices, and Brown was reelected a few months later by an enormous margin over the dull attorney general, Evelle J. Younger.

For the past three years, Brown has been trying to hold off the dreaded tax increase. Despite cutbacks, revenue gimmicks and depletion of the surplus, the state now finds itself deep in the hole for the next fiscal year. Before this month ends, Brown may have to swallow his first major tax increase. Whatever happens, Brown will leave office with a reputation as a governor with a Jack Benny approach to the state treasury, a chief executive who wouldn't even allow his own salary to be increased during one of the most inflationary eras in the nation's history.

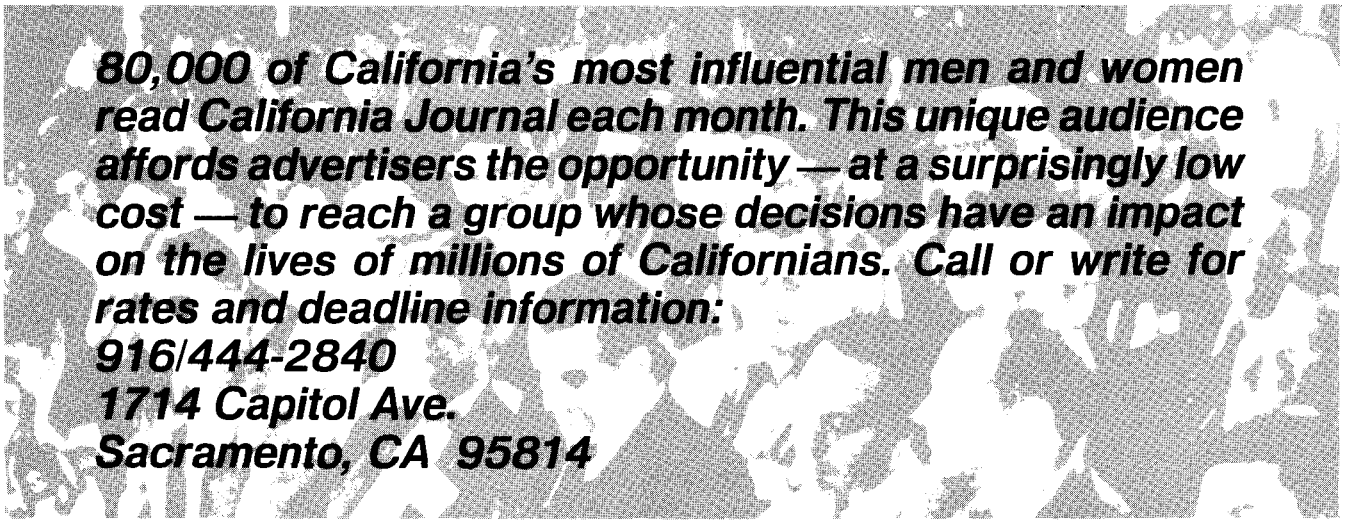
The governor, clearly more so than the Legislature, gets the credit or blame for conservative budgets over the past seven years. It is not nearly so easy to establish a dividing line of responsibility between Democrat Brown and the Democratic-controlled Legislature for the major bills passed since 1975. But a few clearly carry the Brown label:

- **Creation of the state** Agricultural Labor Relations Board. In his first year, Brown (with a large assist from Rose Bird) worked out a compromise between factions that had been warring for decades, thus winning approval for the creation of a board to oversee farm labor relations in the state. As it turned out, the board has generally leaned to labor, resulting in a great deal of grower animosity toward the governor. Brown attempted to cool off farmers with the appointment of a grower, Richard Rominger, as director of the Department of Food and Agriculture. But the governor has never been able to develop a kinship with the farm community, primarily because he cannot erase an image of friendship between himself and Cesar Chavez, head of the United Farm Workers.

Animosity between Brown and farmers developed again in 1981 when the Medfly infestation broke out in Santa Clara County. The governor, partly in response to appeals from local officials, delayed ordering wholesale aerial spraying of the infested area. He was eventually forced to order helicopters into action, and his hesitance to declare all-out chemical war on the fly gave him a negative image, both in the state and across the nation. It remains to be seen whether the Medfly issue is a major factor in Brown's political campaign (or in the health of those in the areas sprayed with malathion).

- **Establishment of a permanent** California Coastal Commission. In Brown's second year, the Legislature was on the verge of adjourning without finding a mechanism to continue preservation of the coastal zone. (The voters had previously created a commission to do the job.) The governor stepped into the fray and worked out an 11th-hour compromise. The commission has been very controversial, primarily because it has maintained a hard environmentalist line. However, the passage of time and the enactment of legislation has relieved some of the pressure.
- **Passage of the** Peripheral Canal bill, which was placed on the June ballot by referendum. Had the Brown Administration not stepped into the long water battle in favor of the canal (coupled with environmental protections for the north), it seems doubtful that the Legislature would have passed the ultra-controversial canal plan. The governor also sought some mandatory conservation measures and ground-water controls, but he could not get those through the Legislature.
- **Placement of** public members on boards and commissions within the Department of Consumer Affairs and the State Bar. One of the early successes of the Brown Administration was an effort to eliminate total control of professional and vocational licensing agencies by those being licensed. In some cases, such as the State Bar, the placement of public members on the boards has had a significant impact. In other cases, there has been no significant change.

In his first term, Brown depended heavily on then-As-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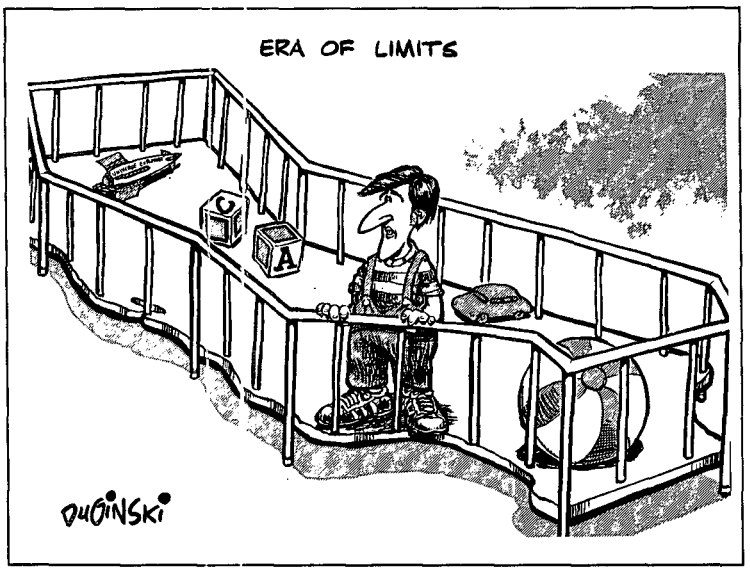

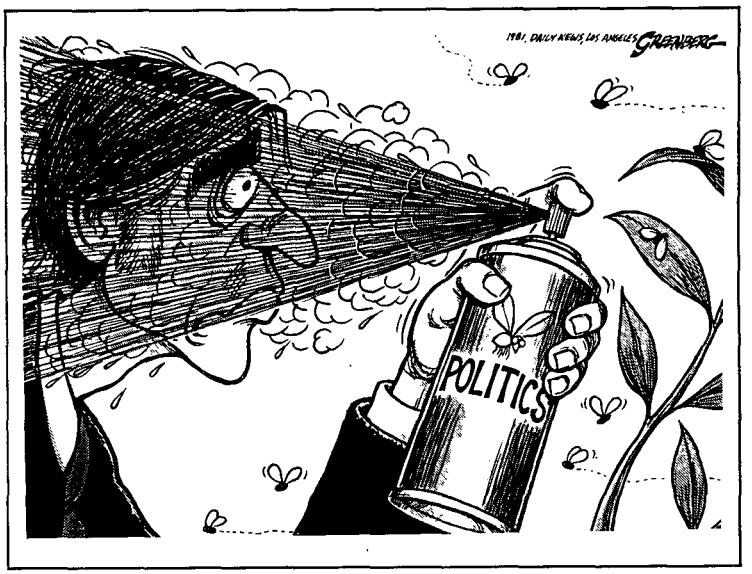

sembly Speaker Leo McCarthy to get bills through the Legislature. Davis recalls that McCarthy did a good job for Brown, but there was a downside as well: McCarthy insisted that the governor filter all his legislative desires through him. Eventually, McCarthy and Brown came to a parting of the ways and Brown's relationships with the Legislature hit rock bottom. Lawmakers responded by overriding a bundle of Brown's vetoes, forcing the governor to raise the white flag of surrender.

Over the years, one of Brown's major failings was an inability to get along with the Legislature as an entity. He did not ask a great deal from lawmakers, but no governor can afford to maintain a long state of animosity with many legislators without paying a heavy price in unfavorable publicity. In fact, Brown failed for the most part to make friends with the state's political community. He did not stroke egos in the Legislature or do the things — at least in his first term — that people in politics expect from their leaders. Brown has not been popular within his own party. Yet, whenever emergencies have arisen, he has managed to do whatever is necessary to avoid disastrous confrontations. Brown may not massage his political colleagues, but he does not stick stubbornly to his guns if victory can be attained through flexibility. A willingness to shift gears has allowed Brown to survive at times, but it has also left him open to charges that he is a political chameleon, changing colors to meet the whims of the voters.

Thus Brown suffered greatly when he opened the 1979 session of the Legislature with a call for a national constitutional convention, if necessary, to force the adoption of a requirement that the federal budget be balanced each year. Brown apparently felt that this call would endear him to the voters caught up in the post-Jarvis conservative revival. As it turned out, it may have hurt him badly in his second run for the presidency.

In addition to Brown's failure to woo legislators, his two campaigns for the presidency hurt him a great deal with the voters. Mervin Field's California Poll shows that the governor's popularity dropped precipitously when he left the state to seek the nation's highest office. Brown also made something of a fool of himself challenging Jimmy Carter long after it was clear that Carter had both the 1976 and 1980 Democratic conventions under control. After his first national campaign, Brown managed to repair his image in time for the 1978 gubernatorial election. It remains to be seen whether he can do as good a job in time for the November Senate faceoff.

Brown's early success and popularity can be attributed to two prime factors. He came into office after eight years in which there was something of a stalemate between a Republican governor and a Democratic Legislature. The floodgates opened, and all the bills held back by Ronald Reagan could then move to the governor's desk for enactment into law. Secondly, Brown cleverly won state and national popularity with his down-to-earth lifestyle — his refusal to live in the governor's mansion, his rejection of a limousine in favor of a middle-class Plymouth, his acceptance of jury duty. The publication of his tax returns showed that roughly 40 percent of his $50,000 income went to the government. Then there were his appearances on radio talk shows, his return of gifts, his offbeat style, his refusal to accept heavy security precautions, and the like. On the other hand, his trip to Africa with a popular singer brought him a great deal of publicity, most of it negative. If Brown set out to look different, he certainly succeeded.

In his second term, Brown realized that he would probably never be able to become president if he did not make himself acceptable to establishment Democrats around the country. He began to act more and more like his father, and by the time 1982 came around Brown was openly declaring that he was trying to act more "traditional." In running for the Senate, Brown was trying to tell Californians that he is not a flake and that they would not be sending a Senator Moonbeam to Washington if they were to elect him as Alan Cranston's junior partner.

There are some who feel that Brown's weaknesses in California — his lack of interest in the day-to-day administration of government nuts and bolts and his consuming interest in futuristic ideas — might make him a great senator. Bob Gnaizda, head of Public Advocates in San Francisco and a former Brown Administration troubleshooter, thinks that Brown could spend two years in Washington trying out revolutionary new ideas before he would have to worry about re-election. Some of those ideas might help send this country off in the right direction, according to Gnaizda.

Health chaos, education costs

Early in the Brown years, Gnaizda was one of those employed by Brown to try to bring order out of chaos in the state health department. That was nothing new. For the eight prior years, Ronald Reagan tried to reform the mushrooming Medi-Cal system and failed. Brown has also reshuffled personnel and agencies in the health field without accomplishing a great deal in bringing Medi-Cal

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under control. Privately, Brown Administration officials say the reason is that doctors and hospitals have too much political clout, and it is almost impossible to reduce Medi-Cal costs over their opposition. The next governor will be the third to face the problem of ever-increasing costs to provide health care for the poor.

Another area in which Reagan and Brown came out about the same is education. Neither brought about any major reforms in the public school system, and neither was regarded as a friend by those running the systems of higher education. Reagan achieved a great deal of his popularity by battling with liberal elements in the University of California. His bark was louder than his bite, however, because UC budgets did not suffer a great deal. Nevertheless, the university community felt as though it was being hurt and neglected during the Reagan years. There were great expectations when Brown was elected. After all, Pat Brown had been extremely supportive of the university.

Jerry Brown proved not to be a chip off the old block insofar as the university system was concerned. He challenged some of the basic assumptions of the university, told professors that they should be satisfied in part with "psychic" pay and kept a tight rein on funds for higher education.

Likewise, public employees held out great hopes for a better life under Jerry Brown. They too were disappointed, although Brown did go along with legislation establishing a system of collective bargaining, first for school employees and later for state workers as well. Bob Dudnick of the California State Employees Association says his organization gives Brown a "very poor" rating. CSEA was often at odds with the governor's former representative on labor matters, Marty Morgenstern, even though he joined the administration from CSEA. State workers feel that they have not been getting fair pay raises in a time of inflation, and that they have taken more than their fair share of lumps during times of budgetary shortage.

Most of Brown's problems have stemmed more from his style than from his policies. But there have been a few exceptions. He had his own staff to blame for the so-called "Computergate" affair last year. As it turned out, the governor's office received a clean bill of health on criminal charges, but there was a great deal of negative publicity about the alleged political use of state computer capacity.

At about the same time, there was a minor flurry in Los Angeles concerning Brown's connection with a former dealer in pornography. That one blew over rapidly, primarily because the story broke while the Medfly hysteria was getting most of the media attention. Probably one of Brown's more unfortunate decisions was to join forces with state Controller Ken Cory to force the independent-minded executive officer of the state Franchise Tax Board, Martin Huff, out of his job.

Generally speaking, when Brown directed his energies to the solution of a state governmental problem, he tended to succeed. Most of his failings over the past seven and a half years can be traced to his style, his personality, his political maneuverings and especially his two runs for the presidency.

Based on his years as governor, what kind of a United States senator would he be? The best guess is that he would not be particularly popular with his colleagues but that he would get a great deal of media attention with his creative ideas. Just by doing what comes naturally, Brown has a quality that often marks a successful politician: The voters might not like him, but they find him thoroughly fascinating.

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Shooting the works at the California corral

By MICHELE WILLENS

November's nuclear-freeze initiative has captured most of the publicity so far — but California's "little guns" campaign may produce one of the state's liveliest, most expensive and most emotional ballot battles in years.

Voters will have the chance this fall to approve or reject a major drive toward handgun control. The initiative sponsors (calling themselves "Californians Against Street Crime and Concealable Weapons") have organized the most serious attempt yet to get a gun-control law on the state's books. Both proponents and opponents are going for broke.

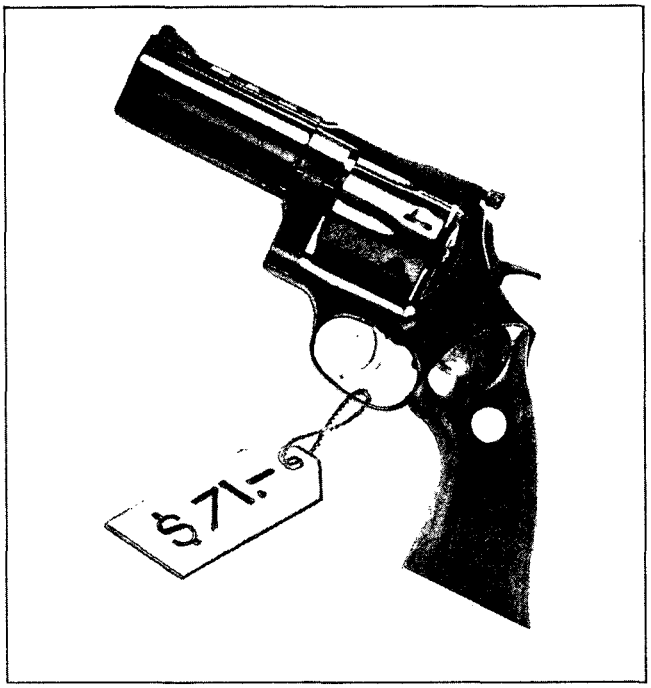
"We can't be coy about this; this campaign is a very serious thing," says Paul Stone, media director for the National Rifle Association who has literally been moved out from Washington for the duration of the campaign. "California is a very important state. It has 10 percent of the population, at least 10 percent of our membership and it is becoming a microcosm of what happens in America."

The proponents also are aware of the precedent-setting implications of passing such a measure in California. "This is a high-risk campaign," says their executive director, John Phillips. "If we win, it could have national repercussions. If we lose, it is a serious setback."

Unlike the nuclear-freeze campaign, which has attracted little visible opposition, the "little gun" battle will be loud, costly and confusing. Both sides are organizing rapidly; Californians can expect to be bombarded with conflicting statistics and heated rhetoric but few clear-cut answers.

The initiative language took a year to refine. The bulk of its writing was done by attorney Phillips, with input from many people, including Congressman Paul McCloskey. Basically, its goals are threefold: to mandate registration of all handguns; to impose a lid on the number of handguns in circulation in California; and to create tough penalties for violators.

If the initiative passes, all handguns must be registered by November 3rd, 1983, or become contraband. After that date, anyone carrying an unregistered handgun in public would face a mandatory six months in prison. (The penalty for illegal trafficking would be one year.) It would also be illegal to add to the state's handgun supply after April 30th, 1983. (That supply is currently estimated at 4 to 6 million, with half a million new ones being added each year.)



Strong gun-control advocates feel the initiative is too weak because it calls for registration, not confiscation, of existing handguns. Also, it does not impose restrictions on ownership or purchase of shotguns or rifles. In fact, the initiative would forbid the Legislature from ever prohibiting the ownership of long guns or the ownership of properly registered handguns.

The initiative's leaders say they knew any stronger "ban-the-guns" document would probably face too tough a fight. So, like the opponents of nuclear arms, they decided that a freeze was the only winnable way to go.

The committee has taken pains to appear as non-partisan and establishment-supported as possible. Chairman of the campaign is a San Francisco-based business executive and attorney, Victor Palmieri. Steering committee members include: Peter Pitchess, former sheriff of Los Angeles County; John Norton, president of the California Police Chiefs Association; Cornelius Murphy, chief of police in San Francisco; Joseph MacNamara, chief of police in San Jose; former Deputy Secretary of State Warren Christopher; former Governor Pat Brown; former Secretary of Education Shirley Hufstedler; and Los Angeles businessmen Philip Hawley and Walter Gerken.

Gerken is responsible for organizing business leaders for the initiative. "I personally have a corporate interest in the issue," says Gerken, who is chairman of the board of Pacific Mutual Life Insurance. "Our company paid something like 111 claims that had to do with handguns last year. But crime hurts everyone, including businesses — if people are scared to go outside and come downtown, for example. I just feel this particular piece of legislation makes sense, because it doesn't outlaw anyone's owning a gun. It limits the supply but allows for trafficking, and it prohibits the Legislature from taking action on rifles."

The key name on the opposition team is that of George Young, president of the Los Angeles political management firm selected to run the campaign. All the pro-gun organizations — including the National Rifle Association, the California Rifle and

Michele Willens is a free-lance writer in Los Angeles and a regular contributor to the Journal.

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Pistol Association and Gun Owners of California — are coordinating with George Young and Associates under the umbrella name "Committee Against the Gun Initiative." State Senator H.L. Richardson, whose numerous lobbyist groups include the 100,000-member Gun Owners of California, will also be a leader in fighting the initiative.

The goal for both sides, obviously, is to organize their equally committed troops and get them to the polls. Initiative proponents are hoping that the nuclear-freeze issue on the same ballot will attract those persons who are inclined to vote for slowing down the "baby arms race" as well. However, they have no illusions about the commitment and financial clout of the gun lobby — strengths that have led control opponents to victory in the past.

Parker Williams, a member of the Alhambra City Council, learned a little about the gun lobby's power when he recently introduced a Morton Grove-type ordinance for handgun control in his city of 65,000 residents. "I had no idea I'd get that kind of reaction," Williams says. "I literally got thousands of phone calls within days — and two were in favor of such an ordinance. Previously, I'd done my own private polling and found people two to one in favor of gun control, so I was obviously surprised. Some of the calls were from people seriously concerned about crime and protecting their families. But most were from the Apocalypse Now gang — those who love the smell of napalm in the morning.

"You can't appreciate the level of hate and anger in the City Hall room where we had our next meeting," Williams recalls. "My friends were seriously concerned about my safety. I'm talking about people with belt buckles made of hand grenades. The room holds 125 and there were at least 300." Eventually, the other members of the council pleaded with Williams to back off from his suggestion, and he reluctantly agreed.

"It was pointless to go off on my own," he says. "But I'm more in favor of gun control now than ever. If you get past all the talk, it's nothing but machoism. They want to carry guns because it makes them feel good. Having come up against it personally, I can tell the initiative people they have their work cut out for them. But I still think that — in the privacy of the ballot booth — people will vote for it."

The gun-control advocates may already be getting a taste of the emotional nature of their cause. In late April, the glass door of the campaign's headquarters was broken down. Anonymous phone calls followed, warning that "bullets would be coming later."

The strategies of the two sides are becoming clear. "The big challenge of this campaign is to draw connections," says Phillips. "The first is to make people see that when they buy a handgun, they are only increasing their own danger. We have to connect their fear about crime with the instrument used — letting them know that two-thirds of homicides are committed with handguns."

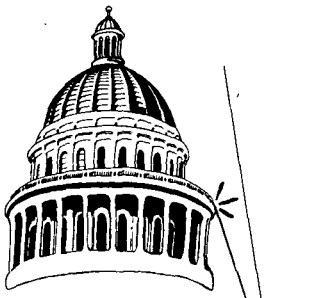
Phillips' committee will also cite a state attorney general's report which shows — according to Phillips — that for every intruder killed by a handgun in 1980, there was an 11-times-greater chance that a handgun would kill its owner, spouse or children by accident. (Opponents challenge this statistic; other studies show perhaps five to six times as many family members as intruders are killed by the handguns.)

In several areas, proponents are finding themselves on the defensive. They must counter the arguments that this campaign is merely a first step leading to a total ban on all guns, and that it somehow will take handguns away from law-abiding citizens while leaving criminals armed.

"They're going after long guns and rifles, and I believe they are liars," says Senator Richardson. Opponents will be relying on two major charges: that the campaign is misleading and deceptive, starting with the committee's name, and that it is elitist.

"Our first point is showing people that this initiative won't do what it says it will do," says Young. "That, unlike its name, it will have nothing to do with street crime. Its principal thrust is deceptive, so take it from there."

"The NRA's Stone agrees. "This initiative in truth does not discuss the practical, criminological issues," Stone says. "It takes on social and moral tones. There is no proven relationship between ownership of a handgun and crime."



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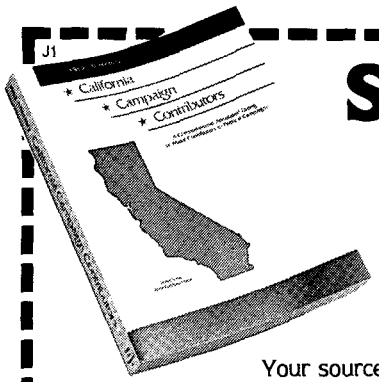

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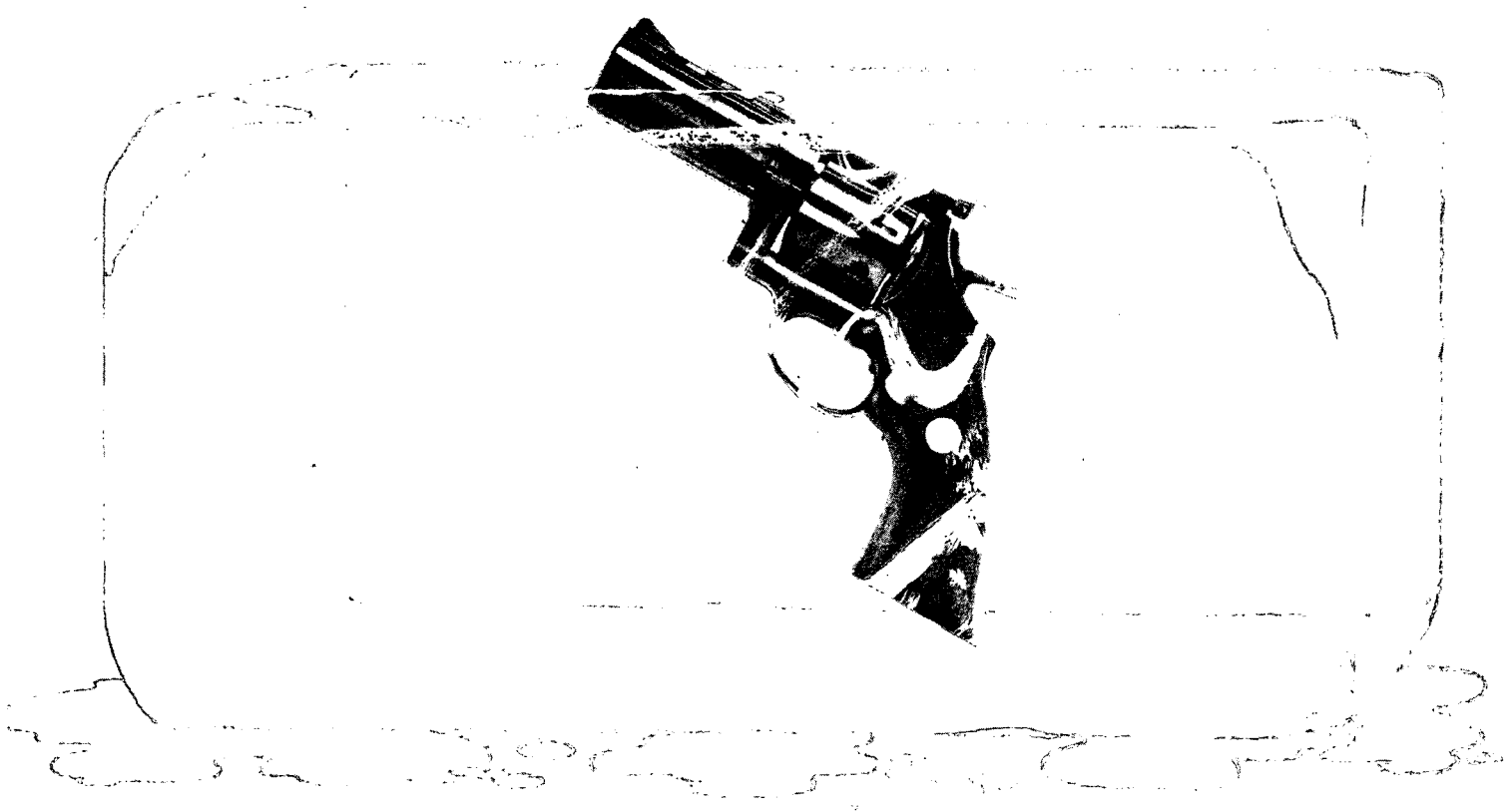

Opponents call the initiative elitist because, they say, once handguns are frozen, their prices will naturally rise and, therefore, only be available to the wealthy. "It is also elitist," says Young, "in that it is outrageous to say that only one-fourth of the population can have handguns and three-fourths can't. That is what it amounts to, since it will freeze handguns at the 4 million mark, and we've got between 20 and 24 million people in California."

Initiative backers answer the elitist argument by saying not every person in California wants to own a handgun. They acknowledge the price of handguns will probably rise, but they say people in poor areas won't mind, because they want guns out of their crime-ridden lives anyway.

"Of course this initiative alone won't stop crime," says Phillips. "It's just one tool to help track down criminals. It deals with the fact that, right now, virtually anyone can buy a handgun, and they're getting in the hands of reckless amateurs. It is our belief that guns *can* make criminals — that they induce aggressive behavior that wouldn't be there if people didn't have guns. In a way, it is like nuclear weapons, in that once you have them, it's increasingly difficult not to use them."

The NRA's Stone concedes that both campaigns will probably wind up "about 99 percent emotional." The proponents often use testimonials from persons who have lost family members in handgun accidents or attacks. Opponents will emphasize appeals like the constitutional right to bear arms and "Isn't this a free country?"

Initiative backers hope to turn the "freedom" argument to their advantage: "This law calls for people to do with handguns what they do with their automobiles," says Phillips, "so it's hardly like taking their freedom away. Besides, the ultimate freedom is the freedom to feel safe and not to have to retreat into your homes and feel too scared to go outside." Proponents are also pondering use of a familiar-sounding question: "Are you safer today than you were 10 years ago?"

The gun-control issue will be getting its most significant test in California. Both sides will be well-organized and well-financed. Proponents say they may need $3 million to win. Speaking for the gun group, Young says, "We're prepared to raise that — and if it gets really hot, we can raise a lot more."

In the past — despite national and state polls showing the majority of citizens want stronger controls on handguns — the gun lobby has been able to defeat most efforts at regulation. (A recent California Poll by Mervin Field showed Californians supporting the proposed handgun initiative by more than 2 to 1.) Gun owners have clearly succeeded in keeping state legislators and Congress from taking any significant action on the issue. They will be fighting hard to maintain that record of success when the question of handgun control confronts voters in November.

Senator Seymour

As expected, Mayor John Seymour of Anaheim won the special election to fill a vacant state Senate seat from Orange County by a wide margin over all other contenders. The vacancy in the 35th Senate district was created by the resignation of veteran Republican John Briggs.

Seymour was such a prohibitive favorite in the heavily Republican district that no Democrat qualified for the ballot. Democrat Beatrice Foster ran a write-in campaign but received only 321 votes. Seymour received three times as many votes as both other Republicans in the race. The results:

John Seymour (R)	30,856
William Dougherty (R)	6,918
John G. Keller (R)	3,328
Mark Foucher (Ind)	2,735
Less Antman (L)	1,549
Beatrice Foster (D — write-in)	321

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Californians now may think they are paying outrageously high electricity bills, but they probably haven't seen anything yet. In the coming few years, rates are much more likely to go up than down. Californians face a Hobson's choice — higher electricity bills or more austere lifestyles — unless there are some minor economic miracles like sharply lower interest rates and crude-oil prices.

The electricity crisis ahead

By ERIC BRAZIL AND VIC POLLARD

Californians will remember 1982 as the year that utility rates soared, utility officials ran for cover, ratepayers rebelled and politicians responded with more rhetoric than relief. At mid-year, the prospects for any improvement are slim, because cheap energy has gone the way of the great auk.

As a result, California consumers are learning a painful lesson in conservation. For a population which has indulged in a lifestyle based on cheap oil, gas and electricity, the future apparently will involve using less — and still paying more.

The energy crisis ceased being an abstraction to even the dullest-witted ratepayer last January. That's when the Postal Service delivered bills reflecting electricity rate increases (approved by the state Public Utilities Commission) of $909.4 million for Pacific Gas and Electric Company and $166 million for San Diego Gas and Electric Company.

The resulting outcry from consumers has obscured the long-term problem of securing a reliable energy base for a growing state that presently runs on gas and oil. Rising utility rates are a pocketbook issue of compelling force, and citizen protests surprised utility executives and elected officials alike. The ratepayers' anger was greatest in the Sierra Nevada foothills, where all-electric homes abound and where energy consumption shot up this past winter because of unusually cold weather. In the next few months, when hot weather suffocates the Central Valley, the focus of consumer rage will undoubtedly shift to the homes and farms where air conditioners and water pumps are switched on. And there is more bad news ahead: Southern California Edison Company users will soon feel the impact of a billion-dollar rate increase which the PUC is expected to grant for next January.

The problem of rising utility rates is politically intractable because the crucial factors which cause it — high fuel costs, accelerated natural-gas deregulation, high interest rates and inflation — are beyond control of the utilities and California's decision makers. Oil sheiks in the Mideast do not much care whether the owners of an all-electric home in Sutter Creek or a Sanger vineyard are paying more than they think they can afford to keep warm and to pump water. The federal government has no plan to speed up the day when alternative energy sources become cost-effective. And neither the Brown Administration nor the Legislature appears ready to make the kinds of tough decisions that could make a significant dent in rates. (Some examples: They could exempt fuel oil from sales tax, but the state budget needs the revenue. They could drop the requirement that utilities burn only premium, low-sulfur oil, but air pollution would increase. They could require a $2,000 utility connection fee for new homes, but housing and construction industries are in enough trouble already.)

The situation seems ripe for the arrival of another Howard Jarvis, who harnessed property taxpayers' outrage and drove it to the passage of Proposition 13 four years ago. Lieutenant Governor Mike Curb, in his quest for the governor's office, proposed a Proposition 13-style attack on utility rates and seemed willing to play the Jarvis role — until cooler heads in the business community were able to talk him out of it. (Not long after Curb made the proposal, he was showing signs of backing away from it, acknowledging that he really hadn't thought it through.)

Other politicians are seeking solutions: Lassen County Supervisors Paul Drake of Westwood and James Chapman of Susanville have begun circulating an initiative which would amend the state constitution to limit utility rate increases to 10 percent a year. And Roberto Acosta of Sacramento is circulating another which would return rates to the levels in effect on November 1st, 1981. Whether either can collect the 553,790 signatures to qualify their measures for the ballot by September 7th is doubtful. But their efforts may be an indication of the shape of things to come.

There is one crucial difference between the property tax revolt and the utility ratepayers' revolt now brewing: Property taxes are wholly within the jurisdiction of the California electorate. The engines driving up utility bills aren't; they're in Washington, D.C., and Saudi Arabia.

End of an era

How did all this come to pass? It is helpful to look back at the 1950s and '60s, when utilities made ambitious plans to dot the state with new power plants. In those years oil cost $2 or $3 a barrel, rate increases were rare, inflation averaged 1.25 percent a year, the state's population and economy were growing and power-generation technology was improving.

But the oil crises of 1973 and 1978 demolished that idyllic set of circumstances. Whereas fuel costs consumed about 25 percent of utility revenues a decade ago, they account for about 70 percent in 1982. The PUC approved $4.3 billion in utility rate increases in 1981, just to cover increased fuel costs.

"The economics of the energy business changed in 1973-74 with the price increase that followed the OPEC oil embargo," says San Diego Gas and Electric Company President Thomas A. Page. "If any single development did, that finished off the era of cheap energy." It no longer pays utilities to build new power plants, and officials say that even if it did they'd have trouble finding the money to build them in the current recessionary climate.

The problem of higher fuel prices is made more difficult because the state's entire economy has grown on the basis of cheap, abundant fuel. Governor Brown's senior energy adviser, Christopher Burke of the state Office of Planning and Research, charges that utility officials are as yet unwilling to make fundamental changes in their operational methods.

Eric Brazil and Vic Pollard cover the Capitol for Gannett News Service and are frequent contributors to the Journal.

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"They are, ' Burke says, "carriage makers in the age of the automobile."

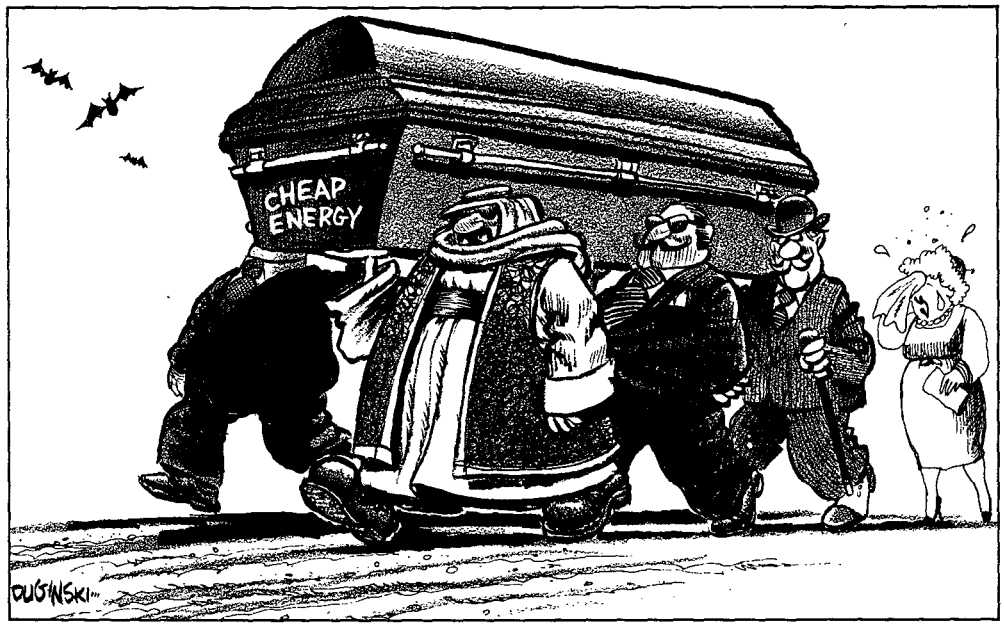
Since the Brown Administration arrived in Sacramento in 1975, the state's energy policy has been to encourage conservation. Its most visible manifestation is the so-called inverted rate structure, in which big energy users are socked the highest price and those consumers who use the least are given the lowest, or "lifeline" rate. In addition, homeowners are offered low- or no-interest loans for energy-saving improvements and tax credits for the retrofitting of existing homes.

Brown Administration officials insist that, statistically, conservation works. But ratepayers know all too well that, even with conservation methods, they're paying more for less energy.

Much of the consumer frustration has been unloaded on the state Public Utilities Commission. The five-member commission, appointed by the governor, is supposed to balance the conflicting demands of the utilities for a reasonable rate of return on stockholders' investments against the consumers' clamor for rate relief.

Created by constitutional amendment in 1911, the PUC was one result of the populist campaign to wrest control of the state's economic and political life from the railroads. Despite its efforts this year to project the image that its decisions are based on accounting principles and not politics, the PUC reacted swiftly to the political pressure that followed the January rate jumps. The commission quickly ordered a speedup of an already scheduled $100 million fuel cost rate decrease for PG&E. It also ordered the utility to reinstate its Zero Interest Program which helped customers finance conservation measures. More significantly, the PUC hastily revised the electric rate structure it had just approved for PG&E, a structure which had created special hardships for owners of all-electric homes.

The kind of political sensitivity which prompted those decisions is likely to continue as the commission gropes for ways of easing the burden on ratepayers. But PUC President John Bryson holds out little hope for significant rate reductions. The reason: Utilities are faced with rising fuel prices and high interest rates. The cost of borrowing "has gone up faster than inflation, and utilities are traditionally the largest borrowers in the economy," Bryson says.



The 'Who's-To-Blame' game

Against this backdrop of new realities, the participants in the energy-crisis scenario are spending much of their time criticizing each other. While angry consumers provide a background chorus of complaints, the leading actors often seem to be engaged in a finger-pointing game of "Who's To Blame." For example:

- PUC — "Our role is naturally a flak-catching role," Bryson admits stoically. The flak-firers include ratepayers who feel gouged, utilities which complain that the PUC isn't allowing them an adequate return on investment, politicians who are anxious to deflect constituent heat and consumer groups which say that the PUC's own policies are keeping rates up. But the PUC points to other villains. One sample is the message it forces PG&E to insert into all customer bills explaining that $177.4 million of the January rate increase was attributable to "President Reagan's Economic Recovery Tax Act of 1981, which requires (the PUC) to charge ratepayers for the expense of taxes which are not being paid to the federal government and which may never be paid. This expense may increase in the future."

PG&E officials say the insert is so politically loaded and misleading that the only adequate answer to it is a general demurrer. "Anybody who says we're in bed with the PUC is crazy," said a PG&E spokesman. "It's an adversary commission."

- **California Energy Commission** (CEC) — Created in 1975, this commission is supposed to certify power plant sites, forecast energy supply and demand and develop an energy conservation program. It has received its share of criticism for being so finicky that its policies have not allowed the completion of a single new power plant in seven years. Advocates of nuclear power are convinced the commission reflects the anti-nuclear bias of Governor Brown.

A recent CEC report estimated that oil consumption by California power plants could be reduced 78 percent by 1985 if utilities put their money into conservation and various "short lead time" alternatives, such as small hydroelectric projects. Utilities insist they are pressing ahead with all deliberate speed to tap conservation as an energy resource. But, they say, they could move faster if the state were willing to put more money where its mouth is. Southern California Edison Vice President Edward A. Myers Jr. explains: "We feel that there are substantial business and financial risks associated with such pioneering efforts that call for returns beyond normal utility needs."

The CEC also has a hunch that the PUC is paying too much attention to utilities' concerns. Commenting on the PUC's approval of the PG&E January rate increase, it charged that the PUC has "retreated from its commitment to conservation." The energy panel noted that while PG&E's revenues had increased by more than $4 billion since 1979, "increased funding of conservation programs accounts for only 1.3 percent of that increase."

"By failing to fund conservation programs . . . the PUC has forced PG&E ratepayers to bear unnecessary, massive rate increases for the indefinite future," the CEC asserted.

What the Energy Commission wants is the transformation of utilities into "energy service corporations," providing customers with the lowest-cost energy, rather than maximizing stockholder dividends.

- **Utility companies** — Conservation is crucial,

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utility executives agree, but it won't produce lower bills because the per-unit cost of fuel keeps rising too rapidly. Besides, they say, conservation is irrelevant to high interest rates.

Utilities complain that the Brown Administration's strategy of developing renewable resources for new energy supplies promises more than it can deliver and is internally contradictory. Take "small hydro" as an example, they suggest. California is laced with streams susceptible to damming for low-head hydroelectric power production, but permit authority resides with the State Water Resources Control Board, which takes a more sympathetic view of preserving in-stream uses for fish and recreation than do utility companies. The Department of Fish and Game also flinches at the prospect of more dams on free-flowing streams. Fishermen "are not about to concede two or three thousand stream miles to energy development, and I share their concern," says Resources Agency Secretary Huey D. Johnson.

Besides, legislation still alive in the Assembly would encourage the production of electricity by small private producers and then require utilities to interconnect and pay producers premium prices for such power — even if the utilities can buy cheaper power elsewhere. The policy, understandably, doesn't make much sense to utilities.

Charges of mismanagement among the private utilities abound. The chief targets have been PG&E's $2.4 billion Diablo Canyon nuclear power plant and its $900 million Helms Creek pumped storage project. Both projects have been scandal-ridden and far over budget, and they are still far from producing one watt of energy. San Diego Gas and Electric has taken its share of heat for a $31 million loss on a 1978 oil-exchange contract. Critics charge that customers

Is public power a

By MARTIN HILL

You see it in San Diego, where utility rate hikes prompted a request by consumers for an investigation by CBS' *60 Minutes*. You see it in Palm Springs, where high air conditioning costs threaten to undermine the desert resort's summertime economy. You see it in the foothills and mountains of Northern California, where utility costs have produced a "heat or eat" dilemma for many residents.

The utility-rate revolt is producing more than anger and frustration. It is also feeding interest in public takeover of the private power companies such as San Diego Gas and Electric, Southern California Edison and Pacific Gas and Electric.

Formed by popular vote, public utility districts (PUDs) are governed by a board of locally elected directors. They are granted the power to purchase existing utility equipment — power lines, substations, even generating plants — from private utilities through condemnation proceedings. The districts are organized as non-profit corporations and pay neither government taxes nor profits to stockholders. PUDs also receive priority when it comes to buying low-cost federal hydroelectric power. The combination of these advantages is believed by many to be the only way to stabilize the ever-increasing cost of electrical energy.

There are about 2,200 publicly owned electric utilities in the United States, providing almost 14 percent of the electricity consumed nationwide, according to American Public Power Association of Washington, D.C. Such agencies exist in every state except Hawaii and Montana. California currently has 34 operating public systems, including the nation's largest municipal utility, the Los Angeles Department of Water and Power, established in 1925.

The development of public power has been slow in the past 20 years; only 35 public utilities were formed between 1960 and 1980. One was established in New York last year, and voters authorized formation of the latest PUD in California's Trinity County last November. However, the pace may be picking up. "We've been getting a lot of calls from people wanting to know about the benefits of public power and how to go about setting up a district," says Gerald Jordan, executive director of the California Municipal Utilities Association.

The exact number of California communities exploring public power is not known, but the APPA has received inquiries from Fresno, Palm Springs, Redwood City and San Rafael. There are active public takeover movements progressing in Mono County and Needles. Some consumers in San Diego Gas and Electric and Pacific Gas and Electric districts are discussing takeover plans. In the far eastern end of the California desert, informal talks are under way about a PUD for the Blythe area.

Consumer frustration over rising rates seems to provide fertile ground for takeover movements. In Mono County, for instance, consumers struggled unsuccessfully for nine years to stabilize energy rates. Finally, a retired electrical engineer, Al Canada, organized a petition movement calling for formation of a PUD. Canada charged that Edison's rates were "scandalous," especially since most of the homes in that county were totally electric, a result of Edison's promotion years ago of all-electric houses as cheap and efficient. That's backfired now, Canada says: Monthly residential heating bills during Mono County's snowy winter months now average $300 and some go as high as $1,400. "Edison has a rate gun to our heads," he says, "and I don't see any sympathy coming from the PUC."

Residents of Riverside County's Coachella Valley fought to stabilize rates or to extend local lifeline rates during the summer months, when temperatures reach as high as 125 degrees in Palm Springs and surrounding desert communities. That fight has been led by a consumer group called People Outraged with Energy Ripoff — POWER for short — headed by long-time Edison foe Bill Byrne. Byrne gained a measure of fame in 1978 when he proved to the PUC that Edison had illegally overcharged its customers for several years. The commission ordered Southern California Edison to pay the largest utility rebate in the state's history: $160 million.

Last October, plagued with monthly summertime cooling bills of $150 to $400 for a three-bedroom house, Byrne and several prominent citizens filed incorporation papers establishing the Desert Public Power Association. The association is now raising funds for a study of the feasibility of taking over electrical service in the area of the Coachella Valley now served by Edison. Support for the DPPA is growing, particularly in light of a new

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are paying through the nose for management's bungling. They cite the recent disclosure that PG&E has paid Chevron USA about $11 million for oil contracted for but not used during 1977-80 as a case directly on point.

• **Brown Administration** — Utility executives in turn blame the state's environmental restrictions which have hampered the development of coal and nuclear power plants. PG&E President Fred Mielke told a legislative committee that California's rates used to be among the lowest in the nation, ". . . but as we become more dependent on oil, because we can't get coal and nuclear in this state, we're getting closer to the others."

In its own defense, the Brown Administration believes that California is beginning to get a handle on the foreign oil-dependency problem. Indeed, OPR's Burke says, "Current projections indicate that the state will eliminate nearly all oil imports by 1990." The Brown Administration came to a fork in the policy road following the OPEC embargo and elected to walk the "soft path" toward energy self-sufficiency. That approach emphasizes the use of renewable resources, conservation and cogeneration instead of fossil fuels. The administration predicts that conservation programs will save an estimated $1 billion in 1985 and a cumulative total of $32 billion by the year 2000. But even if the policy is working, it doesn't do much for a customer who invests $1,000 in energy-saving home devices, uses less energy — and still sees his or her utility bills double.

• **The Legislature** — The utility-rate revolt offered an irresistible attraction to politicians in January and February, and they responded like moths to a flame. Forty-nine bills — some of them pure mischief and many shamelessly political — were introduced, ostensibly to get at the prob-

realistic alternative?

Edison rate-hike request which local officials estimate will raise summer electric bills 62 to 85 percent.

At a recent PUC hearing held in Palm Desert, south of Palm Springs, local city officials predicted the eventual demise of the desert resort area if that increase is granted. "It's not a matter of hurting us," said Cathedral City Mayor Pat Murphy. "It's a matter of destroying us." Edith Spitzer, a member of the DPPA, told the PUC staff: "If we can't get relief from you and we can't get relief from SCE, we will take the only viable alternative we have — our own public power district."

Consumer groups point to comparisons which show that public power customers pay an average of 44.1 percent less than private power customers. A comparison of 190 rates provided by the Imperial Irrigation District (a public power agency serving Imperial County and part of Riverside County) indicated that 1,000 kilowatt hours cost $83.31 from San Diego Gas and Electric, $75.73 from Edison, $69.75 from the Los Angeles Department of Water and Power and $44.85 from IID. Today, SDG&E customers are paying an average of 11.3 cents per kilowatt hour; Edison's, 8.7 cents; Los Angeles', 7 cents and Sacramento Municipal Utility District's, 3.5 cents.

Yet despite such figures, public utility districts may not be the simple solution to rising power rates that consumers hope. There are many problems involved in public takeover, chiefly inflation and high interest rates. Tax-exempt revenue bonds must be sold in order for a PUD to be able to buy existing utility equipment, and the interest on those bonds would be in the range of 14.5 percent or more. Most of the existing PUDs were formed in days when interest rates and inflation were lower.

Another problem: Where would new public utilities get their power? If a PUD has no generating capacity, it must buy power from existing sources. Low-cost federal hydroelectric sources are nearly over-subscribed already; what is available would probably go to PUDs close to the generating sources, mostly in Northern California. Proposals to build new generating sources, such as a plan to erect wind generators for Mono County's proposed PUD, again fall into the inflation trap.

One Edison official suggests that a PUD formed in Palm Springs would probably end up buying electricity from Edison at a wholesale price not too much less than the company's retail price. This would make the PUD's rate structure nearly as high as Edison's, while giving the private company almost the same amount of revenue from the area without the expense of stationing service equipment and personnel there. "We would lose nothing," he says.

Private power company executives are not the only skeptics about the PUD alternative. The public power community itself has its doubts. "There will be an increase of interest (in public power)," agrees Jordan, "but

whether it will be feasible to set up districts in every case is another question."

"In concept, it looks good," said IID Director of Community Services Dick Taylor. "It looks like the simplest solution. But no. There are some savings, but the savings are in how that electricity is generated. If you're going to build your own plant, you're going to find it costs more now than ever — and you'll find you have some very expensive electricity."

Despite the obstacles, interest in public power is growing, and at least one major utility official has expressed concern. Asked by a reporter recently if investor-owned power companies will survive the current consumer revolt, PG&E Board Chairman Frederick W. Mielke Jr. replied simply: "Maybe not."

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lem of high rates. Most of them mercifully died; many were so half-baked that utility lobbyists killed them without much effort.

What's likely to emerge from the Legislature this session are changes in three areas:

- *A bill by* Assemblyman Byron Sher (AB 2443) would halt the erosion of the lifeline-rate concept by freezing special "end uses" for the particular classes of ratepayers with unusual needs.
- *Senator Joseph Montoya* wants to realign the roles of the PUC and CEC to nail down the former's full accountability in the rate-setting field and to prohibit the latter from second-guessing PUC actions. His bill is SB 1380.
- *A package of bills* by Assemblyman Doug Bosco would enable the PUC to enforce fuel efficiency and construction standards on utilities, in the hope that lower bills for consumers would result. But the key bill (AB 3243) has already been amended down to a shadow of its former self. In its original form, Bosco's bill would have permitted the PUC and the public to get a peek at long-term utility fuel contracts before they are signed. Instead, the amended version has PUC setting fuel-management standards and reviewing fuel contracts only if a utility asks for a PUC review. Sylvia Siegel, executive director of Toward Utility Rate Normalization (TURN), the state's pre-eminent consumer advocate organization for ratepayers, calls AB 3243 "a nothing bill . . . It doesn't change the status quo."

The internal workings of the Legislature present a mixed bag for utilities and consumers. The Senate Energy and Public Utilities Committee, which Montoya chairs, is regarded as friendly turf for the utilities. The Assembly seems to be more independent or, as utility lobbyists say with a frown, "out of control." Montoya's committee made short work of four consumer-oriented bills introduced by Senate Majority Leader John Garamendi. But it passed out three special-interest bills providing utility-rate breaks for steel manufacturers, ammonia-fertilizer producers and co-generators — indicating that big business' influence may be stronger than that of utilities.

- **TURN** — Siegel is a pugnacious and energetic lawyer who has caught the attention of the PUC and the Legislature because she knows her facts and figures. She thinks the Legislature is coddling the PUC and the utilities it regulates. She aims her most caustic criticism at what she calls "the new regulatory philosophy" at the PUC under Bryson and other Brown appointees.

"In a nutshell, the philosophy may be described as 'economic environmentalism' — the belief that energy is 'underpriced' and should be made more costly to encourage conservation," Siegel recently told a legislative committee. Unlike the CEC, Siegel contends that the PUC is trying to force utilities into the conservation and alternative-energy business by every regulatory means possible, regardless of cost, and that consumers are suffering as a result.

"Pure demagoguery," snaps Bryson, who was a co-founder of the Natural Resources Defense Council and chairman of the State Water Resources Control Board before joining the PUC. "All of our efforts have been to reduce the cost of service."

Another legislative proposal, by Assemblyman Mel Levine, would create a Consumers Utility Board (CUB), funded by voluntary contributions and empowered to prepare consumer information which utilities would be required to include in all bills mailed to customers. CUB would also represent consumers at PUC rate hearings. The proposal is modeled after a Wisconsin CUB which now has 65,000 members who pay dues of $5 a year. It claims to have saved Wisconsin ratepayers $43 million in 1981.

But TURN's Siegel, who has been queen bee in the consumer advocate field for ratepayers, is unenthusiastic about a California CUB. The utilities don't care much for it either, on the theory that they're having enough trouble as it is without a state-created watchdog on their backs.

- **Governor Brown** — Although his appointees have come under fire from utility ratepayers, Governor Brown managed to keep clear of the controversy until March, when hundreds of consumers massed on the west steps of the Capitol. Billing themselves the "California Tea Party," they demanded that Brown do something to bring rates down.

B. T. Collins, the governor's chief of staff, tried to pacify the crowd and got a verbal mauling for his efforts. The public's attitude toward utility rates reminds him of the days when Proposition 13 was catching fire, Collins says. But, he told the Tea Party, as a practical matter there is little the governor could do.

The audience didn't like what it heard. "Apparently none of these people want to or are capable of doing anything," said Judy Stillwell of Lake County, organizer of the rally. "I think Brown has kissed his position in the Senate goodbye."

Since March, Brown has kept up a drumfire of criticism of PG&E and has pressured the PUC to roll back rates. By the end of April, he had also sent the Department of Consumer Affairs marching off to intervene in utility-rate cases and asked the attorney general's office to help battle federally approved rate hikes for natural gas from out of state.

It's clear that Brown can expect some heat on the utility rates issue during his Senate campaign. But even though Republicans would dearly love to pin the blame for rate increases on him, they'll have trouble making it stick. Assembly Minority Whip William Leonard, one of the most knowledgeable legislators on utility issues, says, "It's a

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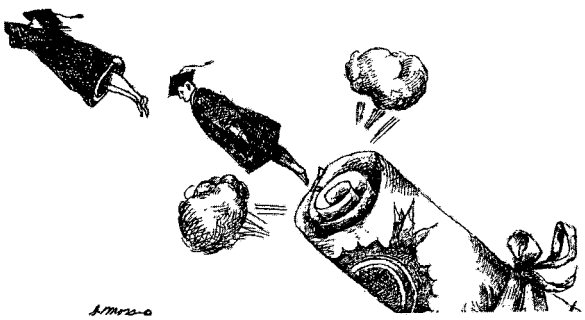

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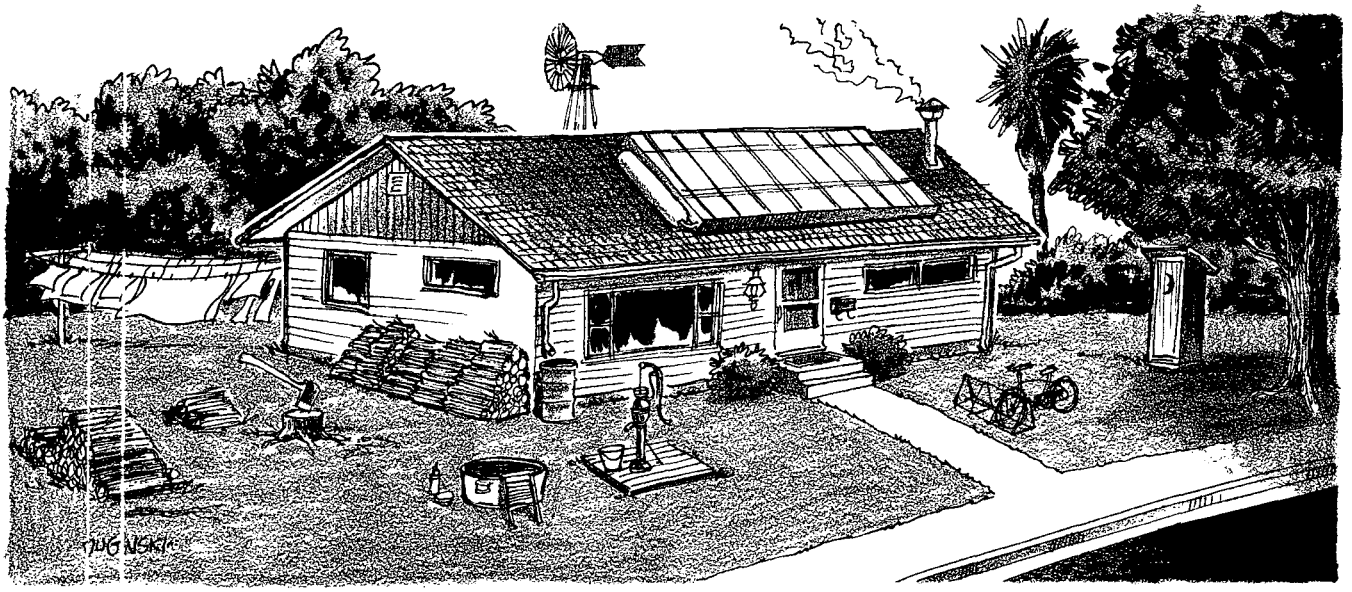

long-term problem generic to the Brown Administration. It amazes me how he's managed to avoid being blamed . . . He's the regulator at the floodgate." Leonard admits that nothing the administration could do would bring rates down overnight, but he would begin by replacing all current PUC members and re-orienting the CEC to promote the state's energy production.

The biggest unknown

Where is all this leading? What's going to happen to the famous California lifestyle? "I think what we're going to continue to see is a pretty dramatic shift to more energy-efficient lifestyles," says the PUC's Bryson.

The trend is already well under way. Foothill and mountain residents are heating just one or two rooms at a time. Middle-class flatlanders are leaving their furnaces off and stringing clotheslines in the back yard. And last winter, one of the fastest-selling appliances statewide was an efficient, infra-red room heater, with wood-burning stoves not far behind.

The biggest unknown in the state's energy picture is the future cost of natural gas. California has the world's most natural-gas-dependent economy. Half of the state's energy (outside the transportation sector) comes from natural gas produced in the Southwest (65 percent), Canada (20 percent) and within the state (15 percent). Federal regulation of natural gas has kept utility rates unnaturally low in the past, but that situation is changing dramatically. Deregulation of natural gas prices, phased in under the Natural Gas Policy Act of 1978, is directly responsible for between 16 and 23 percent of the increase in consumers' utility bills in the past three years, according to state estimates.

And as the average price of natural gas nears oil "equivalency" — at about $4.30 per million cubic feet — two unwanted effects are likely. Fuel switching from natural gas to oil will occur among industries equipped to make the switch. This will result in higher gas bills for residential customers and increased smog. Also, the state's explicit policy of "backing out" foreign oil from its energy fuel mix will be defeated.

"Deregulation is causing gas prices to rise to OPEC levels," says Burke. "In effect, you're seeing OPEC pricing of domestic energy."

Natural gas pricing is clearly the big-ticket item in the current utility rate crisis. But all the action is in Washington, where Congress has deregulated the price of "new" gas drilled below 15,000 feet, in order to encourage domestic exploration and development. "Regrettably," says Bryson, "the price of decontrolled categories (of gas) is rising very fast, and those prices are rolled in with all the other gas in the pipeline. We don't have the ability to select out the less-expensive categories. We're petitioning the federal government for the ability to do that, and I think we've got a chance." In addition, the PUC has ordered Southern California Gas Company to halt work on a pipeline designed to bring in deregulated offshore gas.

Those efforts amount to little more than nibbling around the edges of the problem, Bryson concedes. "I think it's a fair projection to say that natural gas prices will continue to move up through 1986 or 1987," he says. "Beyond that, I think you can see some real stability."

Yet the cost of electricity will always be linked to the costs of the energy source producing it. And Californians soon may have to say goodbye to the day when the electric switch is as dependable as the water faucet. Electricity has always been a unique commodity, offered at one dependable quality and at a single price. "There's nothing that says it has to be offered the way it always has," Bryson says. "People might be willing to trade off price for dependability."

The PUC and the utilities are pushing programs like the one which allows Sacramento Municipal Utility District to switch off customers' air conditioners temporarily with a radio signal when peak-hour use reaches maximum load. Southern California Edison is experimenting with a fuse-like system which automatically shuts off the power supply to a whole house when its use exceeds an agreed-upon amount during peak-load hours. The customer simply turns off one or two appliances, then switches the power back on.

At the other extreme of need is the electronics industry in the Santa Clara Valley, which suffers huge losses in unexpected power failures. For a premium price, those manufacturers have begun to hook up to more than one power substation so that, in the event of a rolling blackout, they can stay in operation. Such high reliability could be available where needed — but the cost of that reliability need not be shared by everyone.

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SUPREME COURT ACTIONS:

The Proposition 13 fadeaway?

Has the state Supreme Court begun a piecemeal process that will result in the eventual destruction of the Jarvis-Gann property-tax initiative approved by the voters four years ago?

In two recent decisions, the court handed down decisive rulings giving local government the right to levy taxes in ways that were not intended by the sponsors of Proposition 13. It is inevitable that more Proposition 13 cases will come before the court, which ruled shortly after the measure was approved by the voters that the initiative was constitutional. However, the justices said at that time that there were specific questions raised by the measure that remained to be resolved.

The court has not yet come to grips with a specific case involving the issue that could destroy the proposition — the unequal taxation of property owners with essentially identical parcels. The court indicated in its original Proposition 13 ruling that unequal taxation is legal, but the gap gets larger every year, and there are now several new faces on the court.

In the more publicized of the two recent Proposition 13 cases, *Carman v. Alvord*, the court ruled unanimously that cities (in this instance San Gabriel) can levy a special property tax to pay for employee pension benefits that had previously been approved by the electorate. The initiative set a 1-percent-of-value limit on property taxes but allowed an override for indebtedness previously voted by the people. This was intended to cover outstanding bond issues for public works projects. About 25 communities, however, interpreted this clause to mean any indebtedness carrying the seal of approval of the electorate, including pension-plan contributions.

The court ruling, authored by Justice Frank Newman, emphasized that retirement systems are contractual obligations that fall within the definition of "indebtedness" but that the court is not endorsing a circumvention of the tax-limitation goals of Proposition 13. "Our ruling," he wrote, "suggests no elusive deviation . . . It provides no authority for government to tax beyond the set limit for their day-to-day expenses."

The other case, *Los Angeles County Transportation Commission v. Richmond*, may be even more significant because of the way it deals with ambiguous language in the initiative. The court ruled, 5-1, that a sales tax approved by 54 percent of voters in the Los Angeles County transportation district was valid — even though Proposition 13 requires a two-thirds vote for approval of new "special taxes" by cities, counties and special districts.

With Justice Frank Richardson dissenting, the court found that the two-thirds rule applies only to those entities of local government which can levy property taxes. Justice Stanley Mosk, writing the lead decision, said that the meaning of "special taxes" and "special districts" is not clear and that ambiguities must be resolved in favor of a majority rather than a two-thirds vote. Mosk said Proposition 13 allows a minority of voters to thwart the will of the majority, and that it may be a violation of the federal Constitution for state voters to impose a two-thirds rule on local governments. Richardson argued that the majority decision violates the spirit and intent of Proposition 13.

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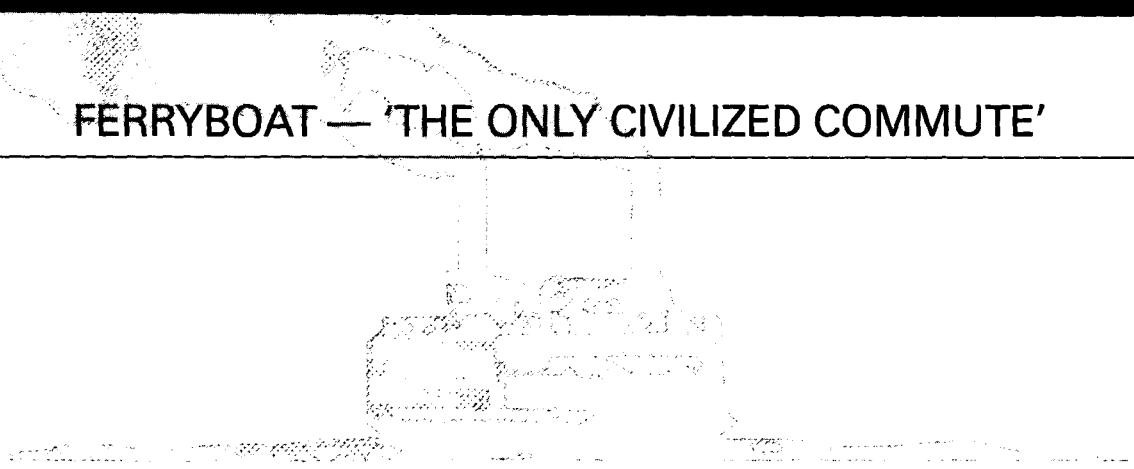

The unloved keepers of the GOLDEN GATE

By MARGARET AZEVEDO

One day about a year ago, Assembly Speaker Willie Brown got stuck for about 40 minutes in a line of cars waiting at the Golden Gate Bridge while toll takers made change for the new $1.25 toll which the bridge directors had just put into effect.

He got so angry that he went back to Sacramento and wrote a bill to abolish the Golden Gate Bridge, Highway and Transportation District, turn the bridge over to the state and sell off the ferryboats which are subsidized with tolls.

The bill, AB 95 — like many other anti-bridge-board campaigns before it — has produced a lot of angry debate but, so far, no change. (In much diluted form, it has passed the Assembly and awaits Senate action.) For the 54 years of the district's existence, its board of directors has exhibited a remarkable capacity for arousing homicidal impulses in others — and for also surviving its critics.

"Maybe the manager and directors ought to be stuffed and mounted, or at least done in wax," wrote *San Francisco Examiner* columnist Dick Nolan back in 1968. He referred to the district as "Ye Feudal Fief" and remarked on the directors' "determinedly despotic" ways.

The lords-of-the-fief image was at least partially deserved at that time, according to Bill Lucius, a bridge board member for 10 years and current chairman of the Bay Area Metropolitan Transportation Commission. He remembers the Cadillac limousine that carted directors around and other personal services. "I remember coming out of my first meeting and discovering that my car had been washed by a district employee. 'What's this?' I asked. 'That's what we do,' he said. 'Not to *my* car,' I said. When I became chairman of the Public Relations Committee, I put a stop to it.

"Then there was this great big directors' table, and their big leather chairs, and only about four little folding chairs in the back for the public. Some person would want to speak and wouldn't be allowed to."

Lucius, appointed to the board in 1969, and at that time a Healdsburg city councilman, was part of a new breed of board members, introduced as a result of legislation sponsored by then-Assemblyman William Bagley.

"The directors are unresponsive to the people," Bagley declared, and his remedy was to require that eight out of the 18 directors (there are now 19) be city council members or supervisors. That meant that almost half of the members would have been elected, although not directly to the bridge board. The remainder were and are still appointed from the public at large by boards of supervisors.

Lucius maintains that, as a result of Bagley's reform, the bridge board began to listen to the public and to mend its imperious ways. But, he acknowledges, the negative image lingers on.

Speaker Brown's bill became the occasion for public hearings before the Assembly Transportation Committee in San Francisco and Marin last fall. The hearings attracted some of the bridge board's old enemies, who seem convinced that direct elections would purge the board of its high-and-mighty attitude. (In amended form, AB 95 would no longer abolish the board or hand the bridge to the state, but it would reduce the number of directors to nine and have them elected directly from nine equally populated election districts covering San Francisco, Marin, Sonoma, and Napa counties. The two northernmost counties, Mendocino and Del Norte, would be dropped.)

"A streamlined, elected board will make the district more accountable," said David Pence, speaking for the Crowley Maritime Company, owner of the Red and White tour boats. "An elective board will be accountable to the public," said Alex Pitcher of the National Association for the Advancement of Colored People. "The old board dealt in bad faith with us because it is beholden to no electorates," said public health professor Richard Seiden, speaking for suicide prevention groups.

The biggest grievance

Other bridge-board critics repeated the oldest and biggest grievance: the fact that tolls had not been abolished when the bridge bonds were paid off in 1971, as had been the original intent. "I don't mind paying for services for someone else to use," San Francisco resident Susan Roane told the committee. "But I do mind paying for something al-

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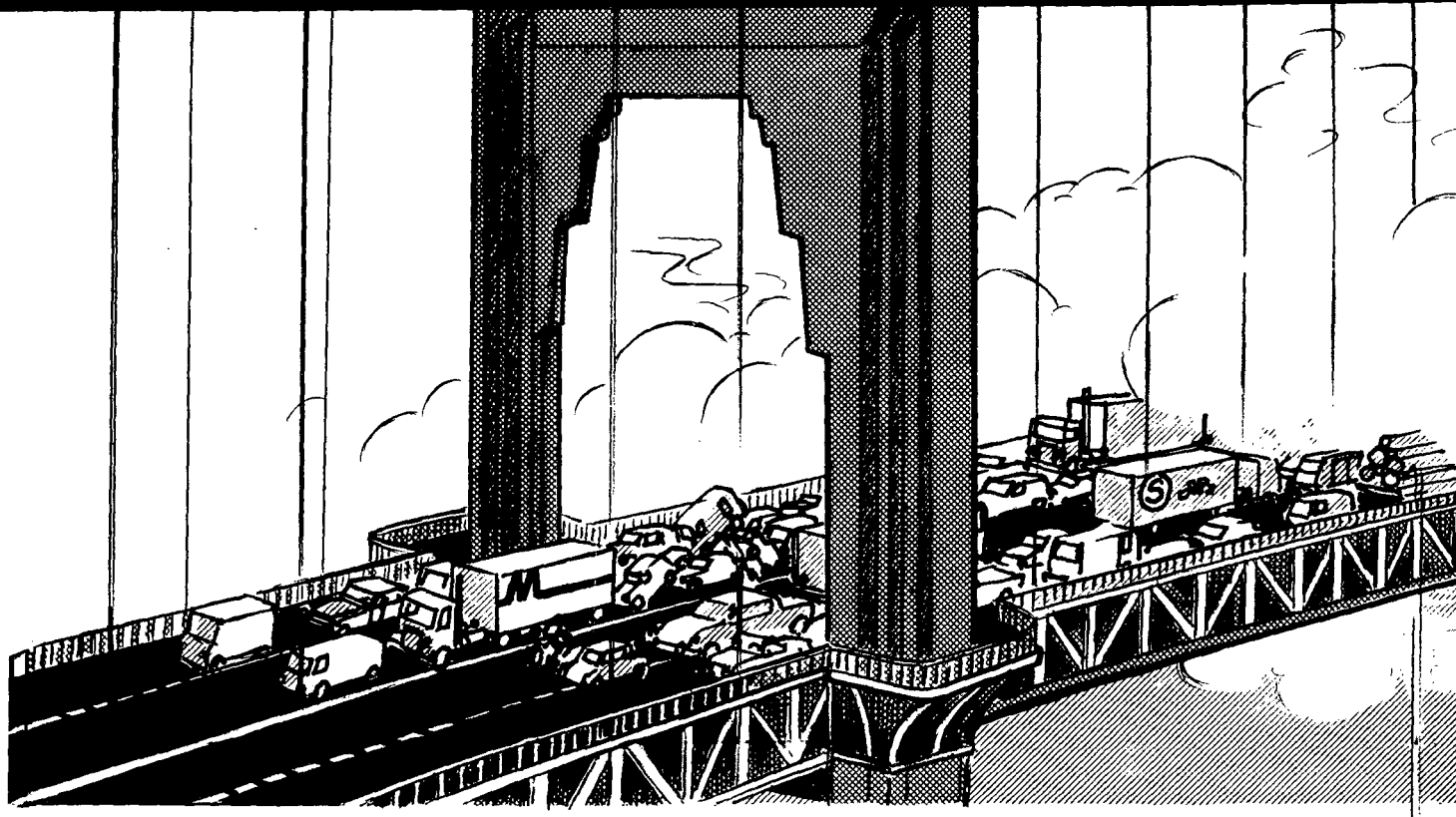

ready paid for." (The "services" are the district's commuter bus and ferry systems, which are partially subsidized out of bridge tolls; the "something paid for" is the bridge itself.)

But such appeals for accountability came from groups with special interests in board policies. The NAACP wants the district to hire more minorities. Suicide Prevention, Incorporated, wants a suicide barrier built on the bridge. Crowley wants to use the bridge district's dock in Sausalito for its tour boats, and toll payers wanted lower tolls or none at all.

The question properly before the Legislature was not who is miffed at the bridge board, but has the board carried out its duties? And that question reveals a curious phenomenon: There is a large discrepancy between the bridge board's image and its performance. When the district was created by popular vote in 1928, it was charged with building the bridge, maintaining it and paying off the bonds. That was done. Then in 1971, the Legislature extended the district's life and gave it a new charge: to establish a commuter transit system and to get people into it, to avoid the need for additional Bay crossings or a second deck on the bridge. If necessary, the district was told, such a system could be financed with bridge tolls.

Since 1971, the Golden Gate Bridge, Highway and Transportation District and its personnel have won 20 commendations and awards for excellence in public transit. In 1977 it received the Urban Mass Transportation Administration's Public Service Award for "displaying extraordinary initiative in advancing urban transportation in the public interest." In 1979 it was the only transit operation in the state to win an "A" rating for its bus maintenance program. Other commendations have been in the fields of energy efficiency, safety and design.

There are additional signs of success:

- **The Golden Gate Transit's** "farebox ratio" — the percentage of operating costs covered by passenger fares, which is the criterion set by the Legislature for dispensing financial aid — is 49.6 percent, the highest of the nine systems operating in the Bay Area. The ratio for the much-maligned ferryboats alone is 41.9 percent, and that is still higher than the figures for all but one of the nine systems.
- **The number of** vehicles on the bridge during peak hours has remained almost constant in the past decade, increasing only from 20,000 to 21,000 between 1971 and 1981. Yet the number of commuters increased from 30,000 to 41,000 in that same period. That is the benefit commuters by private car reap from the tolls they pay, bridge directors say.
- **The district has** recently received clean bills of health from the state auditor general as to its fiscal practices, and from the director of civil rights for the Urban Mass Transportation Administration for its minority hiring practices.
- **If satisfied** customers are a measure, they were present in abundance at the Marin County hearing of the Assembly Transportation Committee. "The users of this transit system benefit from one of the best systems in the country," Chris Susha, president of the 1,200-member Marin-Sonoma Commuters' Committee, told the legisla-

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tors. "The structure and operation of the board could perhaps be improved," he said, "but this bill is like tilling a garden with a bulldozer." One confirmed ferry rider, Sara Godwin, told the committee the ferryboat ride is "the only civilized commute in the entire Bay Area," and to throw it out was one of the "stupidest ideas" she'd ever heard of.

Those controversial ferryboats

But critics of the district think the ferryboats are a symbol of the board's failure to be accountable. What seemed a good idea 10 years ago has become controversial, mainly because of costs. At hearings in 1971 on their application for a federal grant for purchase of the Larkspur ferries, board directors got public testimony that was overwhelmingly favorable. Supporters included the San Francisco Planning and Urban Research Association, San Francisco Tomorrow, Telegraph Hill Dwellers, San Francisco Bay Association, Marin Council for Civic Affairs, San Francisco Council of District Merchants, former San Francisco Mayor Joseph Alioto, the San Francisco Board of Supervisors, the North Coastal Counties' Supervisors Association, state Senator Alfred Alquist, and former state Senators Peter Behr and Raldolph Collier. Assemblyman Willie Brown concurred. "I strongly endorse the expansion of the ferry system through the Golden Gate Corridor," Brown said to the directors.

The decision to go with an experimental, gas-turbine, jet-propelled craft was made after economic and transportation consultants told directors that only speedy, luxuriously appointed vessels would coax Marin commuters out of their cars. But no one foresaw that the motors would prove delicate, wave damage would force lower speeds, gas prices would skyrocket, higher fares and fewer runs would be needed and patronage would decline accordingly.

The state legislative analyst has told directors they should sell the ferries (subsidized at 21 cents per passenger-mile) and buy more buses (subsidized at 7 cents per passenger-mile). But directors do not believe the savings in operating costs would justify dumping 1,600 ferry commuters back on the bridge, or abandoning the one transit mode that can accommodate more commuters without inflicting more traffic on San Francisco's streets and neighborhoods. Besides, they say, proceeds from the ferryboat sales would revert to the federal government which provided the purchase grant.

When floods closed Highway 101 between Marin and San Francisco early this year and the ferries saved the day, the word around Marin was, "There goes Willie's bill." The bill didn't die, but its total prohibition on subsidizing ferries was softened to allow whatever subsidy per passenger-mile is given to buses. That would not be enough to save the ferries, even though they are now being converted to less costly diesel fuel.

Not one of the boards of supervisors of the six member counties supported Brown's bill as written when passed by the Assembly, although some — Marin and Sonoma in particular — have called for different reforms in the past. The change some counties prefer would be to a system of representation based on the residency of transit riders and toll payers. That would give them voting leverage against San Francisco directors, with whom they have sometimes locked horns over routes and schedules. There also have been disputes about how state subventions are divided between the commute system and the counties' own local systems.

John Molinari, president of the San Francisco Board of Supervisors and a bridge director, opposes direct election, even though San Francisco would still retain its voting advantage under such a plan (four and two-thirds directors out of nine). "They'll tell everybody they'll lower tolls," he says, "and then they'll come up against stark reality. How will they finance transit?"

Besides, Molinari points out, voter interest tends to wane in these cases. After a major fight over whether Bay Area Rapid Transit directors should be elected, most BART incumbents now run uncontested.

"Experience shows direct election does not insure effective popular control," Stanley Scott, assistant director of the Institute of Governmental Studies at UC Berkeley, told a legislative committee a few years ago. "The record shows voter unawareness and low participation."

If the keepers of the Golden Gate survive the latest attack on their turf, they will have proved once more an old axiom about government: If it's working, keep it — even if it isn't all that lovable.

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Santa Ana's Robinson, the next Assembly speaker?

By JAMES R. CARROLL

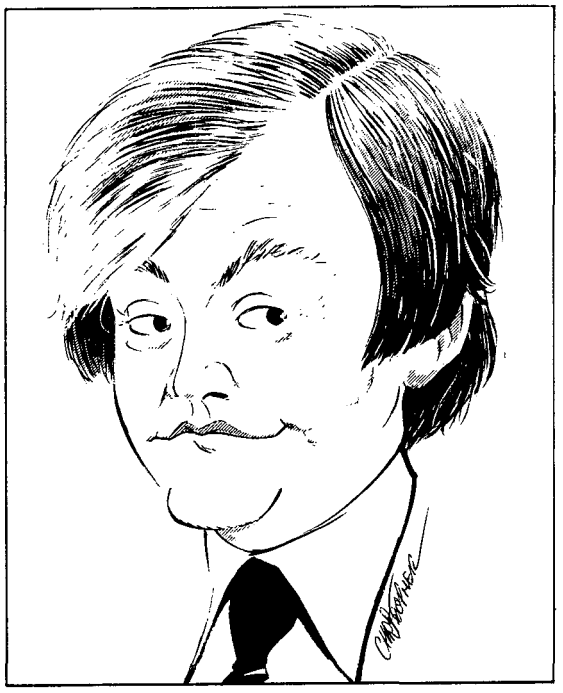
On an evening full of joke-telling, at a roast of Assembly speakers last February, Senate Minority Leader William Campbell told one of the wickeder ones. "Just look at the stream of history up here," the Hacienda Heights Republican told the dinner guests. "We have Jesse Unruh, 1961-1968; Bob Monagan, 1969-1970; Bob Moretti, 1971-1974; Leo McCarthy, 1974-1980; Willie Brown, 1980-1983; and Richard Robinson, 1983 to 1991."

Everybody laughed, including Willie Brown. "I thought it was funny as hell," he opined later. Richard Robinson was less amused. "I thought it was a cheap shot at the speaker and I told the speaker I must be doing something drastically wrong as a part of the leadership," the Democratic assemblyman from Santa Ana said, no trace of a smile on his face.

But everybody laughed at that joke because it is well-known in Capitol circles that Robinson is ambitious. He intends to go places and, unlike many of his colleagues, he knows how to get there. He is bright and aggressive, picks his issues carefully and learns them inside out. He also picks his fights carefully and — with one glaring exception — usually wins. He is also known, in the words of more than one person, as "a very tough son of a bitch."

Sooner or later — whether you are a legislator, a lobbyist, a legislative staffer or a reporter — you will run into Richard Robinson. He is one of the most powerful people in the state Legislature. One lobbyist puts it succinctly: "Mike Roos (the Assembly majority leader) is No. 2 in name only."

All of this clout is remarkable considering that at the end of 1980, Robinson lost the biggest fight he had ever picked since coming to the Legislature. A year earlier, at the end of 1979, Robinson and three other legislators (later dubbed "the Gang of Four") convinced Assemblyman Howard Berman of Beverly Hills to challenge then-incumbent Assembly Speaker Leo McCarthy of San Francisco. Berman's backers had become disenchanted with



McCarthy's leadership in the preceding couple of years. They felt that McCarthy was spending too much time enhancing his own political prospects and neglecting the all-important campaign coffers of fellow Democrats. Looking back on the conflict, Robinson insists that his differences with McCarthy also involved "major policy considerations." On Robinson's list of grievances: McCarthy's inability to secure state funding for a new transportation district for Orange County, his opposition to the Peripheral Canal that would bring more water to Southern California, and his failure to appoint Orange County legislators to the powerful Assembly Ways and Means Committee.

The Berman camp pitted millions of dollars against the McCarthy camp's millions in the primary and general election contests of 1980. The outcome, however, was less than conclusive. While Berman did not swell the numbers of his allies enough to accomplish his palace revolt, McCarthy was hanging on only by his fingernails. Enter Willie Brown. In not too many days, Brown was the new speaker, and Robinson's future was in Brown's hands.

Robinson's reward for a Berman victory undoubtedly would have been a leadership post. The spot most mentioned was chairmanship of Ways and Means. But with the Berman defeat, there was no question of that chairmanship; too many other Democrats loyal to Brown were ahead of Robinson. The Orange County legislator was without any other positions. During the Berman-McCarthy fight, McCarthy had stripped Robinson of his chairmanship of the Joint Legislative Audit Committee and removed him from the Assembly Finance, Insurance and Commerce Committee.

In past speakership contests, the losers traditionally got the tiny office suites on the sixth floor of the legislative annex. Robinson was prepared for that. After all, Willie Brown himself was banished to the sixth floor briefly when he first tried for speaker in 1974 and lost to McCarthy. But Brown was not interested in retribution against Berman partisans. The new speaker wanted to heal wounds fast. He applied some political Bactine in the form of new-and-better committee assignments, some new-but-not-necessarily-better committee posts, lots of chairmanships, more staff and any other positions of responsibility that could be found or created.

But for the Democrat from Santa Ana there would be more than symbolism. Rather than being punished, Robinson was rewarded. "It's an extraordinary piece of political footwork for him to be so close to Brown now," says a lobbyist who knows Robinson. "He not only landed on his feet, but he

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moved up, almost within minutes, to the head of the line."

Robinson likes to attribute his rise in stature in the Assembly to his years of experience and his knowledge of the legislative process. "If you work at doing your job, you can't be ignored," he says.

When Willie Brown was asked about the resurrection of Richard Robinson, he cited two things: "He is one of the most talented members of this house, and to underutilize his talents is, first, wrong, and secondly it does not speak well for one's survival in a leadership position in this place. If you're doing your job, you make an assessment of all the resources, and you exhaustively use those resources, and it only enhances me. . . . It wasn't a rehabilitation. It was simply the utilization of his talents."

Starting early

For Robinson, politics has dominated his life. His first contact with it was when he was just nine years old. He remembers sitting in front of a television set, watching the 1952 political conventions. "I remember sitting up all night for the gavel-to-gavel coverage of the conventions. I didn't realize at that time I was gravitating toward a career in elected representation. I just knew I was fascinated with platform fights and what-not."

When John F. Kennedy ran for president in 1960, Robinson was old enough to work in the local campaign in his hometown of Birmingham, Alabama. He hasn't lost any of his southern accent in the more than 20 years he has lived in California, which became his home after he volunteered for the U.S. Marine Corps. He served in the corps for five years, including 17 months in Vietnam.

Trained in accounting at Orange Coast College, Golden West College and California State University, Fullerton, Robinson worked for Pacific Telephone and later became an official of the Communications Workers of America. Through the union, he set up a privately funded drug-education program and became its director. And during all of this, Robinson continued working as a volunteer in local Orange County campaigns. His own chance at political office, he recalls, was almost a fluke.

"I had no thought at that time of running for the Assembly, until the reapportionment plan was first released by the (California) Supreme Court in 1973. I lived in a district that didn't have an incumbent. I decided I was running on a Sunday morning while reading the paper (which showed maps of the new districts)."

The 72nd Assembly District included most of Santa Ana and Garden Grove, as well as parts of Tustin, Fountain Valley, Stanton and Anaheim. Party registrations were fairly close. Under the Democrat-drawn reapportionment plan, Robinson's predominantly working-class district is now composed of most of Santa Ana and Garden Grove and about a quarter of Anaheim. Democratic registration is 52.7 percent, compared to 34.7 percent for Republicans, and about 30 percent of the district is now Hispanic.

Robinson worked hard, walking the district and knocking on doors. In the end, he topped the five-candidate field by more than 3,000 votes. The 1974 general election was more difficult. Robinson's Republican opponent was former Los Angeles Rams tight end Marlin McKeever. Everyone in the district had heard of McKeever. That didn't discourage Robinson. He ended up walking through 222 of the district's 270 precincts, and he beat McKeever by more than 13,000 votes.

Early stories about Robinson linked him to the then-powerful political machine of Santa Ana physician Dr. Louis Cella and Mission Viejo rancher, businessman and multimillionaire Richard O'Neill. Cella would later be convicted of Medicare fraud, conspiracy and income tax evasion in connection with the embezzlement of funds from two Orange County hospitals he controlled. Some of those funds were used by Cella to make political contributions. O'Neill was never charged with any wrongdoing and, in fact, ended up serving as chairman of the California Democratic Party in 1979 and 1980.

Robinson has always downplayed his Cella-O'Neill connections. "Cella and O'Neill were not original contributors," he explained in an interview a couple of years ago. Then who were? "They were organized labor, for the most part, and individual contributors. . . . (The 1974 primary) was no slam dunk. . . . Cella and O'Neill told me I wouldn't win."

But Robinson did receive a $5,000 loan from O'Neill, secured by a second trust deed on Robinson's home. In the general election, Cella and O'Neill made $35,000 worth of in-kind contributions to the Robinson campaign. And there were other ties to Cella and O'Neill. While campaigning for that Assembly seat, Robinson was on the payroll of Mercy General Hospital in Orange County. That hospital was owned in part by Cella and O'Neill. In addition, Robinson's closest adviser during that first campaign was Fred Harber, one of Cella's operatives.

Some more serious negative publicity about Robinson involved nine of his campaign workers. Although they lived elsewhere, they registered to vote in his Assembly district. They ended up with misdemeanor convictions.

When Robinson ran for re-election in 1976, his Republican challenger, then-Santa Ana school board member Peter Vogel, charged that Robinson himself had violated a requirement of a one-year residency in the district when he first ran in 1974. In fact, records did show some confusion on that point. In 1972, he had listed his address as a home in Westminster which turned out to be Ken Cory's mother's house. In October 1973, Robinson listed his address as a Garden Grove office suite. The next month, he switched to another address that also was listed as a voting residence for his

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campaign treasurer and two campaign workers. But testimony before a grand jury in the case against the campaign workers gave Robinson's address as Huntington Beach, outside the district, through the end of November 1973.

In any case, none of Vogel's charges came to anything, except a bigger victory for Robinson, who won by almost 20,000 votes. In 1978, it was then-Santa Ana Councilman David Brandt's turn for a drubbing at Robinson's hands. In 1980, Garden Grove sales manager Raoul Silva was beaten by close to a 2-1 margin. This year, Robinson is expected to have little trouble getting re-elected.

As he finishes his fourth term, Robinson has a reputation around the Capitol as a hard worker, a consummate politician and a man who probably knows the ins and outs of Mason's *Manual of Legislative Procedure* better than anyone else in the Legislature.

Lobbyists asked about the Orange County lawmaker have a lot of things to say: "Most ambitious . . . most political. . . . He can be arrogant and abrasive. He tramps on colleagues at times . . . effective because of his persistence. He does his homework. He lines up votes, not only on his own bills but on others . . . has a real temper and is thin-skinned. He remembers slights . . . politically astute . . . a force to be reckoned with. . . . You want Dick Robinson on your side, not against you."

Here's how Robinson assesses himself: "I'm as fiercely loyal as I am a fighter. . . . Fighting is necessary. It's very easy to sit back and be complacent and let events run over you. And I figure I wasn't sent up here to do that. . . . I'm really very warm. . . . I don't disavow the comment that I am mean. I'm not above threatening a lobbyist or two. That does not bother me. But that's what I think the public and my district expects from all of us."

His combative nature accounts at least in part for Robinson's political resurrection. Within hours of Brown's election as speaker, he sought Robinson out and said he wanted to sit down and talk with him. They did, and within a week, Robinson had his first assignment as part of the Brown team: unseating Republican Adrian Fondse in favor of Democrat Patrick Johnston. (A tight race for the Stockton area seat forced a recount.) Robinson carried out the mission with enthusiasm, and the ouster was noisy but accomplished quickly.

Next, Robinson was returned to the Finance and Insurance Committee. After a several-year hiatus, Robinson also was returned to Ways and Means. He also now sits on the Assembly Judiciary Committee, the Assembly Constitutional Amendments Committee, the Joint Committee on the State's Economy and the Joint Legislative Audit Committee.

But more than anything else, Robinson relishes debates over financial issues. He is now vice chairman of the Joint Legislative Budget Committee and is a key figure when bargaining begins on the state budget. During budget deliberations a year ago, Robinson played a leading role in assembling the state-aid-to-local-government package.

Robinson also has been given another important job under Willie Brown: serving as vice chairman of the Assembly Democratic Caucus. The post is in part a recognition of Robinson's money-raising abilities. During the McCarthy-Berman war of 1980, Robinson spent more than $65,000 on 15 candidates in the primary and more than $67,000 in the general election.

The money flow

As the money flows out, so it flows in. A Common Cause survey last year showed that Robinson was among the top 20 legislators receiving contributions from the top 20 special-interest groups. Robinson, the report said, received close to $84,000 between 1975 and mid-1980 from most of the big contributors.

Robinson's relationship with the Brown Administration and the governor in particular has blown hot and cold. "We have a mutual respect," Robinson says of his dealings with Jerry Brown. The low point came when Brown decided to appoint ex-POW Edison Miller to the Orange County Board of Supervisors in 1978. Robinson argued hard against the appointment, warning Brown that Miller's anti-war messages while a prisoner in North Vietnam would not go over in conservative Orange County. When it became apparent Brown was going to ignore Robinson's pleas, Robinson called the governor and read him the press release he intended to send out. It blasted Miller and Brown's appointment decision.

But apparently there are no residual hard feelings, and Robinson seems to have the respect of the administration. He is often seen on evening dinner rounds with Brown and B.T. Collins, the governor's chief aide. When the administration needed emergency legislation earlier this year to help keep the state's budget in the black, Robinson carried the measures and shepherded them through both houses to Brown's desk. He has taken an active role in the ongoing attempts to keep that budget balanced and to make certain next year's budget will have no red ink.

But there is one relationship Robinson hasn't straightened out, and he seems to be in no hurry to change it. Mentioning the name of Leo McCarthy in front of Robinson is like waving the proverbial red cape in front of a bull. Robinson does not try to conceal his dislike for McCarthy; he claims its cause goes beyond what McCarthy did to him during the speakership fight.

Will Robinson back McCarthy's bid for lieutenant governor? "Not at this point," he says. "Just because a man's a Democrat doesn't mean you have to support him." Some of Robinson's colleagues who happened to be with him recently during one of his tirades about McCarthy were clearly pained and perhaps a little embarrassed. "It's Dick's one blind spot," one said later.

"I wish there were some way of reconciling that," McCarthy says of his chilly dealings with Robinson. "Dick appears to be the one colleague who doesn't want to lay down the arms. I regret that, but there's not much I can do about it."

The feud with McCarthy aside, Robinson has tried to put the divisive days of the speakership fight behind him. He knows he needs friends to continue his rise through the Legislature. And there is talk that Robinson is aiming for the speakership himself. At an Orange County roast of Robinson last year, B.T. Collins joked about the Santa Ana Democrat's ambitions: "Regardless of what side he is on, he always has the biggest staff, the best office and the political philosophy of a chameleon."

The 39-year old Robinson admits that he would like, sometime in the future, to run for statewide office and perhaps end up in the United States Senate. But he insists that he is only dreaming about such a scenario. There is no game plan, he says.

As for the more immediate possibility of being speaker, Robinson is firm: "I have absolutely no intention of ever challenging Willie Brown." Speaker Brown claims he is not worried about Robinson: "He is blindly loyal. I have no question about Richard's loyalty."

But Robinson admits he would be "very interested" in becoming speaker pro tem when McCarthy leaves at the end of this year. Willie Brown says Robinson's name is on the list for consideration — and on lists for other posts as well. "I don't think I would be as effective as speaker of the California Legislature if I didn't have Robinson in place," Brown adds with a smile. "He's going to do all right.

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Legislative data — Sacramento's growth industry

By DAN WALTERS

Reduced to its most elemental form, politics is data processing. The politician is constantly emitting data — to voters, to constitutent and pressure groups, to fellow politicians and to the media.

Success in politics depends largely on how well politicians are able to communicate with those receivers. One need look no further than the White House to see how success in communications translates itself into success at the polls.

And politicians are, at the same time, also receivers. They are absorbing data from the same groups to whom they are transmitting. Their decisions, whether it be a legislator's vote or an administrator's action, are the result of their analyses of the data they have received.

That may be as praiseworthy as listening to the problems of a constituent from one's district — or as questionable as determining whether a lobbyist will arrange a hefty campaign contribution. But one way or the other, politics is the transmittal, receipt and analysis of data.

Given the basic nature of politics, it's a wonder that the business — and that's what it is — has functioned so long in a technical backwater. Until very recently, the mechanisms used for political data processing were crude — a telephone, a luncheon conference, some hastily scribbled voting records, a list of campaign contributions or a newsletter.

California, however, is not the technological capital of the world for nothing. The computer and other devices for sophisticated data processing have been adopted by politicians.

And a new industry has popped up, almost overnight, to help California's political movers and shakers, in and out of government, do their data processing in a more effective fashion. Starting about a decade ago, young men who understood the value of computers in the political process began building whole campaigns — at first in Orange and Los Angeles counties — around the computer-directed direct mail piece.

Targeting with computers

Using a computer, these political technocrats such as Carl D'Agostino and Michael Berman could analyze a particular legislative district's demographic profile and then design pieces of literature that appealed to the prejudices of particular areas within the district. The technocrats used other computer lists to solicit money through direct mail.

In the Sacramento political world of legislators, lobbyists, staffers, administration officials and reporters, communications remained relatively simple until the '70s. There were a handful of companies of various sizes providing voting records, status reports on bills, summaries of legislative activity and query responses for groups of clients. Many of these operations continue today.

But several years ago, two ex-legislative staffers, Bill Hauck and Jud Clark, introduced computer technology into an operation called California Research. They sought to relieve lobbyists and their staffs from the boring, rote work of studying thousands of bills and the tens of thousands of bill amendments.

Cal Research hires out, therefore, as a sort of computer-driven intelligence service to lobbyists and others interested in keeping track of what's happening in the Legislature. Each evening, Cal Research obtains from state agencies the computer tapes that are used to produce updated versions of bills overnight. By the next morning, Cal Research can deliver to its clients reports on what has happened to the bills in which they have an interest, including analyses of amendments.

"We want to become a one-stop shop for business or other clients," says Hauck, noting not only the bill-tracking services but the situational analyses that he, Clark and other Cal Research staffers offer their clients. If, for example, you wanted to know the state of toxic waste regulation in California, Cal Research would offer a breakdown of legislative and administrative actions, along with political insight.

Cal Research had the field pretty much to itself for several years. But within the past two years, rivals have emerged. They are Capitol Information Management, which is operated by Diana Rains, wife of state Senator (and attorney general candidate) Omer Rains, and Legi-Tech, operated by Ken Mandler, who was an environmental planning consultant before switching to the legislative field and starting his firm in his apartment. (Diana Rains' involvement in the field has raised eyebrows in the Capitol, where her firm seeks contracts from lobbyists on whose bills her senator-husband votes. Both Rainses have denied any conflict of interest.) The competition among the three has gotten fierce, although Cal Research is still the largest. "Cal Research was a monopoly for many years," says Mandler. "One-half of our clients used Cal Research before."

State agencies which track bills for their own lobbying operations are among the most important clients of all three

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services. Last year, when 10 state agency contracts came up, Legi-Tech won seven of them. All of the firms can provide direct computer tie-ins for their clients. They maintain the data bases, and the lobbyists and other clients can get updates on the legislation they are tracking by punching in commands on their own terminals. "This convenient system completely revolutionizes legislative bill-tracking in California," Rains says.

Feeding the media

Legi-Tech takes matters a step further. It also collects related data, such as campaign contributions, to round out the picture on any given bill. And that has drawn the interest of a new clientele — the news media. Five Capitol press offices have signed up for Legi-Tech services and now tap into its data bank directly. Recent *Los Angeles Times* stories on horse racing legislation, for example, have included Legi-Tech's reports on campaign contributions from the industry to members of the committee voting on the legislation. The *Times* and other Capitol bureaus can obtain that information instantly through their own computer terminals — the sort of information that would have taken hours to compile manually through campaign financing reports at the secretary of state's office.

Sophisticated communication of another sort is offered by Jonathan Lewis, another new Capitol entrepreneur. "Consulting on the Ways and Means" is the motto of Lewis' firm — a general enough sort of saying that covers everything from helping the Senate's Democratic leaders devise a new housing program to managing the affairs of associations of like-minded persons interested in influencing the political process.

Lewis is, in effect, a human data processor who advises people on how to organize themselves and become effective in the political system. He gets into the process before lobbyists are hired and before the lobbyists hire, in turn, Cal Research or other data firms.

"Americans are joiners . . . in order to unify and reach a common goal or something," says Lewis. "As they do that, they become aware of how to function in the political process. That's not just testifying at committees but how to hire a lobbyist, involvement in campaigns, political action committees, public information and so forth."

Through Lewis, these groups define their political goals and begin transmitting data to further them. And in that process, says Lewis, these groups also become receivers of information that may force them to modify their original goals. "It comes full circle," he says, "when they find out their positions won't sell.

"Communications is all of our business in Sacramento," says Lewis, a former legislative aide and tax reform lobbyist. "When people say 'our program' they really mean 'our communications process.'"

Lewis contends that with New Federalism, Proposition 13 and the other state government-oriented developments, "Sacramento is a big town all of a sudden," and what happens in the Legislature now will affect national political policy. "The mystery of it, which is also the beauty of it, creates opportunities for people who are government specialists," he says.

Lewis is the first to offer his particular brand of expert advice in Sacramento, although there are firms similar to his in Washington.

Learning to lobby

Once you've figured out what you want to accomplish in the Capitol and have lined up the technical tools to do it, how do you go about the job of lobbying — the direct influence on the outcome of legislative decision-making?

Rod Tuttle will teach you how to be a lobbyist for $60. Tuttle, deputy director of the state Department of Parks and Recreation and a former legislative staffer, offers a basic course in lobbying about twice a year.

Called "Working the California State Legislature," Tuttle's six-week course is a refined version of the one he used to teach for the University of California Extension Service. "We get a very good mix of employees of lobbyists, quite a few private citizens who are aware of something moving in the Legislature and a fair number of state employees," says Tuttle.

The most basic of the communications services offered at the Capitol is one by Chuck Tully, who is working his way through McGeorge Law School. "I kind of fit between the tracks," says Tully of his legislative bill delivery service.

Tully's mother, Loretta, worked in the Capitol and suggested to her son that someone could earn some money picking up bills and other legislative publications and delivering them to clients.

Tully opened his business about six years ago and has 55 clients now.

After spawning a sizable information industry, the Legislature now is adopting some computer techniques of its own. The Assembly recently inaugurated its own in-house bill-tracking service, modeled on one it leased from California Research in 1981. The Senate side is tapping into the service, too. Although not fully operational, the system should help legislators keep track of their own activities.

Newsmakers

Special election lineup

Four Democrats and one Republican filed as candidates in the June 8th special election to fill the vacancy caused by the appointment of Congressman **George Danielson** of Monterey Park to the state Court of Appeal. The winner will serve only for the remainder of the year — unless he or she also wins the regular election for the seat in November. The special election candidates are Republican **Ross Ramirez** and Democrats **Dennis Kazarian, Marty Martinez, Rose Ochi** and **Oswaldo Romero.** The winner would gain the advantage of incumbency in the contest against Republican Congressman **John Rousselot** in November. The district is heavily Hispanic, and Martinez, a freshman assemblyman, was the favorite to succeed Danielson. Ramirez and Romero are not on the regular-election ballot.

The state Commission on Judicial Performance recommended to the state Supreme Court that Los Angeles Municipal Judge **Mario Gonzales** be removed from the bench for "persistent inability to perform a judge's duties and willful misconduct." . . . The State Bar has recommended that former Court of Appeal Justice **Paul Halvonik** be spared from disbarment for his 1979 marijuana conviction which forced his resignation from the bench.

Retired Supreme Court Justice **Mathew Tobriner** died at 78 . . . **Stephen K. Tamura,** first Japanese-American ever appointed to the state Court of Appeal, died at 70. He retired in 1981 but cast a key vote on reapportionment this year while sitting on assignment to the Supreme Court . . . Former Assemblyman **John G. Veneman,** one-time aide to the late Nelson Rockefeller, died at 56.

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John Quimby's victory in the battle of the bottle

By DAN PURNELL

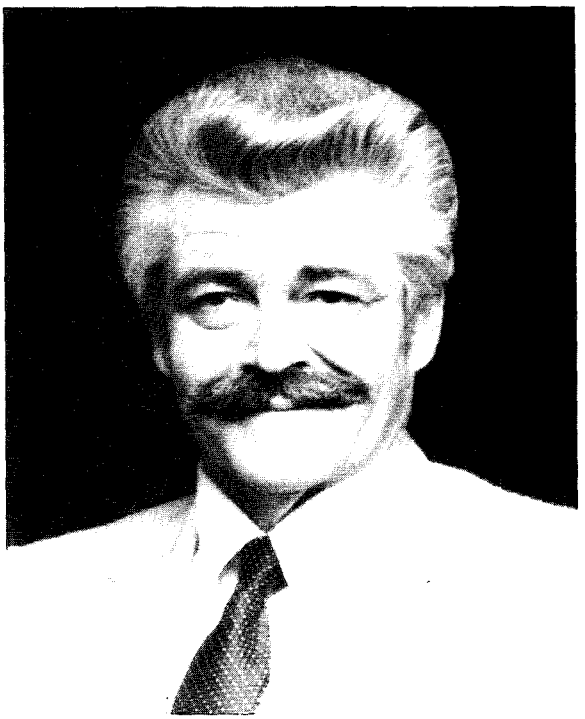
Twenty years ago, a 26-year-old radio announcer from San Bernardino arrived in Sacramento to begin a freshman term in the Assembly. Recalls John Quimby of those days: "I think that after being here 60 days the thought occurred to me that, if there was a heaven someplace, God in all of his wisdom could not have improved on it."

Twelve years later, Quimby discovered that the heaven called Sacramento could also become a hell. The pace in the Capitol's legislative and social circles made Quimby begin to lose — first his seat, then his family and friends, and finally almost his life.

Now, Quimby is back representing his own district, this time as lobbyist for the San Bernardino County Board of Supervisors. But the big difference is that he no longer suffers from perhaps the leading occupational hazard of politics — alcoholism. And he is attempting to convince the current generation of legislators by example that there is no truth to his once-held belief that "drinking is necessary for success in politics."

At the time Quimby arrived in Sacramento (and to a lesser extent today), much of the work of the Legislature was conducted in the restaurants and watering holes near the Capitol. "I can remember telling people that you couldn't possibly be a successful legislator if you don't have a drink with the boys. I believed that, down to the deepest part of my being."

Perhaps Quimby moved up the political ladder so rapidly that he did not have enough seasoning to handle his success. He was elected to the San Bernardino City Council at 23, following a career as a disc jockey and radio newsman. During the next three years, he learned the game of local politics and worked for John Kennedy's presidential campaign. Then in 1962, incumbent Assemblyman Gene Nisbet left his seat for a bid for the state Senate. Quimby claims a group of his friends "propelled" him into the Assembly race by getting him to file his election papers on the last possible day. He won the spring Democratic nomination and an easy victory the following November.



The Assembly at that time was in the hands of Speaker Jesse Unruh. Quimby joined the Unruh team and was rewarded with a seat on the Rules Committee, a post he held throughout his legislative career. Soon Quimby developed a reputation for a sharp mind and wit. (He is still often asked to preside over political dinners.)

"John was a very quick study on the issues, especially in Local Government and Revenue and Taxation (committees)," says former Assemblyman John Knox, a colleague and close friend of Quimby's. "He had the ability to call an issue right down the middle. As a member on Local Government, his experience as a councilman made him valuable. Since he was a friend, we could discuss things informally, which helped expedite the official work of the committee."

Local Government was the place where Quimby remembers his most exciting moments during his first session and where he later achieved what he considers his finest legislative achievement: the Quimby Act, which permits local governments to require building developers to dedicate land or pay fees for the purchase of open space or parks.

Quimby, a polio victim at age 11, has spent most of his life on braces or in a wheelchair. Yet in his 12 years in the Assembly, he never became an especially visible or vocal crusader for rights of the handicapped. Politically, he believes running a campaign from a wheelchair was a "definite plus, because nobody could ever forget who I was." But once in the statehouse Quimby preferred to work behind the scenes, getting other legislators to carry bills for causes like improved access for the handicapped. To have taken the lead on such issues "would have been too self-serving," he says.

But his struggle against polio was easy compared to his battle with the bottle. "By the time the early '70s rolled around, I was literally in a life-and-death struggle with alcoholism," he admits. "When I think back on the way I was able to perform, it boggles my mind. I used to come to work sometimes so sick it would put the average guy right smack into intensive care. But after a couple of drinks, a little time and maybe an Alka-selzer, I'd be able to function again."

Even though he was drinking heavily, Quimby maintains that he always managed to serve his district well. Part of that ability, he says, lies in the nature of the disease: "Alcoholism enables some people to get up in the morning, get dressed and re-enter the main stream, solely as a defense mech-

Dan Purnell is a teacher, free-lance writer and former member of the state Senate staff

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anism." Knox attributes his friend's performance to personality. "He was always so well liked and regarded that he couldn't help but be an effective legislator," Knox says.

Opposing reform

Yet changes were occurring, in Sacramento and elsewhere, which spelled trouble for Quimby. In 1974, public outrage over Watergate suddenly made political reform a big issue in California. Proposition 9 on the June ballot that year sought, among other things, to regulate the relationships and conduct of legislators, lobbyists and staff. Quimby, a 12-year incumbent with close personal and professional ties in Sacramento, saw the initiative as an unnecessary intrusion upon the lifestyle he and his colleagues had enjoyed for years. But while other incumbents either supported the initiative or mumbled their objections in private, Quimby openly opposed the initiative.

The strongest challenger to Quimby in the 1974 spring Democratic primary was Terry Goggin, who painted Quimby as another dusty incumbent trying to defend "business-as-usual" in Sacramento. Quimby failed to defuse Goggin's charges and, as in other races across the country that year, the incumbent fell.

But few fell quite as far or as hard as Quimby. "After the election, I was stripped clean of my façade," he recalls. "There were no more hangers-on, no more staff, and I was no longer Mr. Big Legislator. People who really had a choice chose not to be around me. My circle of friends and social life began to get smaller and smaller, until I was drinking alone in my home. I got to the point where I thought life was ending — and it was ending for me. I was literally drinking myself to death."

After a series of physical injuries, Quimby was admitted to a Sacramento hospital in late 1976. It was there he finally stopped drinking, and his relief was instantaneous: "It was as though someone had lifted the Empire State Building off the back of my head." He spent several months recovering from the physical and emotional ravages of his disease, but it wasn't until mid-1977 — three years after his election defeat — that Quimby decided he "probably was going to live again as a member of the human race."

Returning to the Capitol in an effort to find work, Quimby met an old friend, Donald Kent Brown, who offered him a job with Brown's contract lobbying firm, Advocation, Incorporated. Working with Brown, Quimby represented some of the most lucrative private interests in town for more than two years. Then Quimby left to open his own lobbying operation and, after a year, he accepted his current job of legislative advocate for San Bernardino County.

"Quimby was already a well-established lobbyist by the time we considered him for the job," says San Bernardino Supervisor Robert Hammock. "We've always been impressed with his character and the way he gets along so well with people." Quimby insists he has the "best job in Sacramento. I don't have to hustle my own business any more, and it's a joy to be representing my old turf again."

But there are some inevitable adjustments, he admits. "As a lobbyist I have to take in stride that there may be days when a door might get slammed in my face. There are times and places where a lobbyist just doesn't belong. It's hard — as a legislator I might have been in on that closed-door meeting or inside decision. Now, as a lobbyist, I have to make my case as effectively as I can and then get the hell out of the way."

Quimby still frequents the bars and restaurants where much political action occurs, but he doesn't drink. He is sympathetic to the plight of other alcoholics working at the Capitol, and he is also critical of the environment which sometimes assists in their slow decay. "We coddle them, love them, revere them until we literally help kill them," he says. "A guy gets his second or third drunk driving arrest, and what do we do? We laugh with him and probably buy him another drink."

There is still one obstacle Quimby has to overcome: a longing for the power and excitement that elected officials acquire in politics. "Only a fool or a liar," says Quimby, "would claim not to miss it.

"Bob Moretti once told me that, for about a year, every time he drove by the Capitol he would get a knot in his stomach from yearning to be back in office. That's how I feel most of the time. It's like your best friend marrying the woman you love: You see her, you enjoy her — but you can't have an intimate relationship together."

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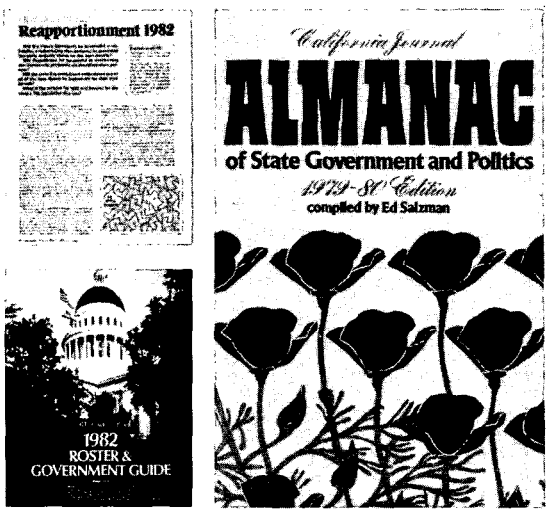
If bought separately, these three items would cost $6.94. You can save $1.94 by sending $5 to the California Journal Press, 1714 Capitol Ave., Sacramento 95814. Ask for the $5 reference package.



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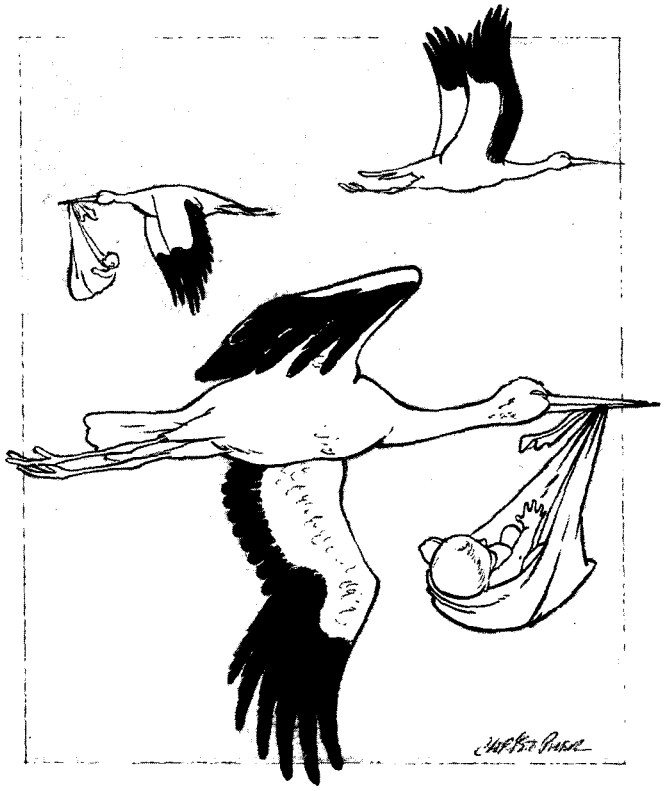
Why so few students are receiving sex education

By MARY BARNETT



A San Luis Obispo father was startled some years ago when his third-grade daughter rushed into the house and announced, "The dog is mating in the front yard!" Scarcely had he digested this information when his small daughter added, eyes flashing with indignation, "And she isn't even married!"

The third-grader was a pupil in San Luis Obispo Coastal Unified School District, which had established a comprehensive kindergarten-through-high-school family life and sex education program. Results of her instruction might seem ideal. She had not only become aware of certain biological facts but had also adopted a conventional moral code: Marriage should precede sex.

However, the perils of attempting to educate young people in this area are so great that school districts inevitably become embroiled in controversy over such programs. In San Luis Obispo there was a particular outcry over the use of pictures of animals mating; some parents found comparisons of animal and human sexuality offensive. The program was put on hold and a teacher-administrator-parent committee prepared a revised version. After extensive public hearings, the district board of education recently adopted it. (The new curriculum avoids animal sex.)

The San Luis Obispo experience is by no means unique. Numerous studies show an overwhelming majority of parents and students want sex education in the schools. But a vocal minority feels such education should come only from parents. And these critics have escalated their opposition. While they used to rely mainly on applying pressure on local school boards, the opponents of sex education in the schools now have gone to court, demanding that no state funds be spent on such programs.

Even among parents who favor a school role, there is much disagreement over what that role should be. Should schools limit themselves to the physiological facts of sex and reproduction? Or should they venture into the areas of values and standards? If the latter, should teachers flatly inform students premarital intercourse is wrong? Or should they encourage young people to set their own standards of conduct, free from peer pressures? What should students be told about masturbation? Homosexuality? Birth control? Abortion? All of these questions have proved highly controversial.

Thus it isn't surprising that — despite studies showing more than 90 percent of both parents and students support sex education — less than half of California's students are getting it. This is the estimate of Barbara Aved, director of the Office of Family Planning, an agency of the state Department of Health. A registered nurse and former university teacher of human sexuality courses, Aved would like to see all of California's students receive comprehensive sex and family life education. In her three years in office she has been trying to reach this goal.

Of OFP's $40 million budget, $4 million or about 10 percent goes to fund 70 informational and educational contracts throughout the state. They include such approaches as teacher training, teacher guides, peer education and counseling, parent education and media projects which urge parents to talk to their children about sex and family values.

Why is OFP involved in sex education? Aved says that one of the agency's chief goals is to reduce the pregnancy rate among teen-agers. "We view it as a public health problem when teen-agers get pregnant," she says. "It's generally unplanned. There's a high rate of maternal and infant mortality among teen-agers and many social and economic impacts."

Some stark statistics document the problem:

- **Planned Parenthood** estimates that 52 percent of teen-agers have had sexual intercourse by age 20, and more than 1 million teen-age pregnancies occur annually in the United States, 53,000 of them in California.
- **Veneral disease** is another problem. One-fifth of the 122,457 gonorrhea and syphilis cases in California in 1975 involved teen-agers. There were 643 cases of gonorrhea reported for boys and girls between 10 and 14 and 158 for children under 10.
- **An unintended** teen pregnancy can cost the state $1,240 for abortion or prenatal care, delivery, welfare and social services, according to Aved. Other cost estimates are much higher. A study reported in *Clinical Pediatrics* indicated that nationally, an out-of-wedlock child can cost society $100,000 over a lifetime in welfare assistance.
- **Adolescent mothers** are significantly less likely to complete high school than women who postpone childbearing, and the younger the parent at birth, the greater

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the educational setback. Adolescent mothers, when compared with classmates, are more likely to hold low-income jobs and to express job dissatisfaction.

- **The divorce rate** for teen marriages resulting from pregnancy is two to three times higher than that for teen marriages not resulting from pregnancy. And teen marriages on the whole are two to three times more likely to break up than marriages between persons in their 20s.
- **Pregnant teens** run a four to five times greater risk of pregnancy complications than women in their 20s. The rate of infant mortality is two to three times higher for children born to teen-age women. Nine percent of teen-age mothers attempt suicide, a rate seven times the national average for teen-age women without children.

25,000 non-births

All these facts help explain why public health authorities want to prevent unplanned teen-age pregnancies and births. Aved estimates her agency was able to prevent 25,000 births to teen-agers last year, mostly through clinic services, saving some $30 million in public costs. But she thinks sex education is important too.

"We hope young people can be encouraged to be more responsible in their decision-making," Aved says. "If they are sexually active and don't want to get pregnant, we hope they would use contraception more consistently. If they are struggling with the decision whether to become sexually active, we hope to make them feel comfortable in making their own decisions, regardless of pressures from peers and sex messages in the media."

This non-dogmatic position causes trouble for Aved and others involved in sex education. Conservative critics, some aligned with fundamentalist religious groups, feel sex before marriage is wrong, period, and even to consider another way is immoral.

Patricia Stebbins is a Santa Cruz housewife and mother who conducts workshops against sex education all over the state. She sums up the issue succinctly: "They want to stop teen-age births. I want to stop teen-age sex." But Aved and most others in the sex-education field think it's both wrong and futile in a pluralistic society to promote moral absolutes.

"It's inappropriate for anyone other than the parents to teach moral standards," Aved says. "We're saying, 'Here are the facts. Here are the types of questions people should ask themselves.' We seek to develop decision-making skills. But these groups say, 'Don't give questions — give answers!'"

So strongly do Stebbins and certain other sex-education critics disagree with this point of view that they have filed a class action suit in Sacramento County Superior Court against Aved, the OFP, the state Department of Health, and state Health Director Beverlee Myers to make them stop spending money for OFP-style sex education. They are also suing the state Department of Education, state Superintendent of Public Instruction Wilson Riles and members of the State Board of Education.

In addition to Stebbins, plaintiffs include the Women's Committee for Responsible Government, a Palo Alto-based group; William Levonian, Santa Cruz physician and father of five; Larry Palm of Santa Cruz; Olga Hyatt, a nurse, of San Jose; and Robert S. Cuva, a Monterey dentist.

The complaint focuses on two OFP-funded programs, one conducted by Planned Parenthood of Santa Cruz County and the other by Planned Parenthood of Monterey County. OFP granted Santa Cruz Planned Parenthood funds to develop a teachers' guide and resource manual on sex and family life education, and also funded teacher training by the Santa Cruz agency. About 1,500 copies of the guide have been sold throughout the United States since it was issued in 1976, many of them in California.

The Monterey County project is a peer education program. Based on the premise that most teens get their sex information — or misinformation — from other teen-agers, the program trains high-school students to provide sex education to other high-school students.

Plaintiffs charge the Santa Cruz guide "is weighted in favor of feminism, masturbation, homosexuality, abortion, the elimination of sex roles, and adolescent sexual intercourse so long as it is effectively contracepted." With horror, they note the guide suggests the teacher bring lyrics and recordings into class, such as "Masturbation Can Be Fun" by Hair, "My Girl Bill," about homosexuality, or "VD Blues" — in order to encourage discussions. They are appalled by such suggested discussion questions as "How important is virginity in this day and age?" and "Is it okay to have sex before marriage?"

But their greatest outrage is reserved for the "Alligator River Story." The Santa Cruz guide suggests that a teacher read a story to the students about a woman named Mary, in love with a man named John, who lives across a river filled with alligators. To cross the river and be with John, Mary agrees to have sex with Sinbad, a sailor who owns the only boat in the vicinity. When John learns what she has done, he becomes furious and refuses to see her again. Mary tells a friend, Butch, who beats John up, to Mary's delight. Students are invited to discuss the issues posed by the story as a "values clarification" exercise.

Even the author of the teachers' guide, Stephen Bignell, sees some drawbacks to the story and says it may be changed or dropped when the guide is revised soon. "We'll probably change it to 'Love Story,'" he says. "In this story, Bill and Mary come home from a date, find Mary's parents aren't home and discuss what to do."

Plaintiffs charge OFP is spending money for unauthorized, illegal and even unconstitutional purposes. They say the defendants are promoting "a state orthodoxy in the areas of sex, family life, morality and religion" which plaintiffs oppose, thus violating their First and Fourteenth Amendment rights and establishing a religion in violation of the Constitution.

The charges are similar to those dismissed by a trial court in an earlier case brought by Citizens for Parental Rights against the San Mateo County Board of Education in 1975. The court said plaintiffs stated no cause of action. The dismissal was upheld by the District Court of Appeals. It found

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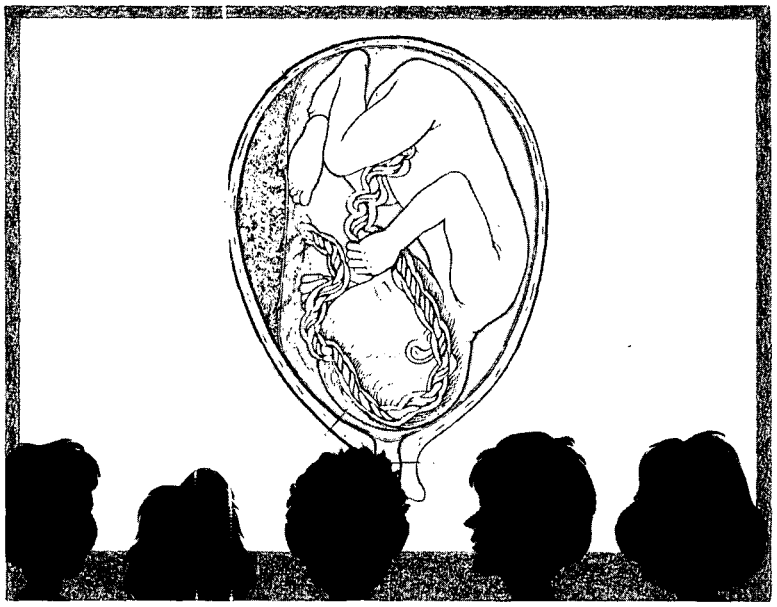
that the parents' free exercise of religion was not impaired because they could remove their children from sex education courses if they chose — a requirement of state law. The court also found teaching of sex education did not constitute establishment of a religion.

Talk about feelings

Guide author Bignell says the plaintiffs and other critics misunderstand the goal of values-clarification discussions. "The purpose is to give the kids a chance to talk about their feelings without the peer pressure they face on the playground," he says. "Class is a safe environment where they can reflect values they bring from home. They can safely express the idea it's okay to wait until they are married for sex."

Planned Parenthood is often accused of promoting teen sex in order to make work for their birth control and abor-



tion clinics. But the organization's leaders point in reply to a pamphlet they distribute entitled, "Teen Sex? It's Okay to Say No Way." Youngsters are told in the pamphlet that the old line, 'C'mon, everybody's doing it!" isn't true and is just a pressure tactic. If they need help, they are urged to talk to their parents and other older persons they trust at school, church or club.

Aved is strongly supportive of both the Santa Cruz Teachers' Guide and the Monterey peer education program. But OFP's current emphasis is elsewhere. Aved agrees with Stebbins and other critics that parents are the proper persons to provide sex education, and she is trying to get them to do it. "Parents support sex education," she says, "but they don't provide it. Or, when they think they have, the kids don't feel they've received it. So for the past year or two, our priority has been parent education. We bring them into workshops and develop parent-child communication skills."

A major pilot program called the Family Communication Program is ending in the Fresno area. OFP considers it so successful that it will be repeated in the two major population areas of the state, Los Angeles and San Francisco. A San Francisco public relations firm, Solem Associates, has been hired to handle the media components of the program which will continue through June.

Mountains of letters

The state Department of Education has proceeded more cautiously onto the sex education scene. Two years ago the department attempted to put together a draft guide called *Education and Human Sexuality*. A committee traveled up and down the state gathering information and comments. The response was overwhelming, recalls William May, assistant superintendent of public instruction. "There was more field input in that document than any I know of in the history of the department," he says. "We started getting mountains of letters — I received between six and seven thousand personally. So we decided to take the documents, put them on display in 30 centers around the state, and invite anybody to comment on them.

"After that we got more than 10,000 letters. Some said we were taking away their rights as parents and suggested we should train parents to do the job — a super idea. People were writing to their legislators. There was a lot of heat."

So the department proceeded to get out of the kitchen. State Superintendent Riles suggested that the department shouldn't be developing the manual; instead, he said, parents should be telling the department what to do. He invited leaders of the California Parent Teacher Association to sit down with him and his aides to see what could be done. The PTA, which has supported family-life education since 1898, was glad to help.

Annabelle Toibin, Orange County PTA leader and state vice president for parent education, says that there have been 100 seminars throughout the state to train citizens for the community action process, and "we're just scratching the surface." The state PTA also conducts parent seminars cooperatively with March of Dimes, which is concerned because children of teen-age mothers have a high percentage of birth defects.

But even the ultra-respectable PTA is running into controversy by taking on sex education as a project. "This is a very tender issue," Toibin says. She reports many sex-education opponents show up at her seminars. "I can always spot them," she says. "They are exceedingly well-groomed, youngish and very effective. They must have public speaking training. It's as if they were all stamped out of the same mold, like the Stepford Wives. I don't argue with them."

Toibin feels she doesn't have to. Public support for sex education has been demonstrated repeatedly. A study of Southern California parents in 1974 found 94 percent supported school involvement in family life education. When family life classes are offered, only 1 or 2 percent of California parents actually withdraw their children.

Despite public support, the effectiveness of family life and sex education has not been clearly established. Even Planned Parenthood of Santa Cruz admits this in a report, *Family Life and Sex Education: A Summary of Facts and Findings*, published in 1979. It says more research is needed, but some tentative conclusions are drawn: Family life programs do increase knowledge of young people about their sexuality. Studies indicate that sex education helps youngsters make a good psychological adjustment, lessens impact of exposure to pornography and makes students more permissive about the conduct of others — but apparently has no appreciable effect on their own behavior standards.

"The literature suggests family life and sex education has the potential to substantially reduce irresponsible sexual and reproductive behavior," the summary says. It notes a Humboldt County study which found sexually active college students were more likely to use birth control after participating in a semester of family life education.

Does sex education lead to more sexual activity? Only one study indicated it may, Planned Parenthood says — again, the one in Humboldt County. There does seem to be a relationship between informational programs and reduction of venereal disease, but it is still unknown whether sex education will actually reduce teen-age pregnancy.

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The state's shrinking pains in cutting government red tape

By PHIL SMITH

Almost two years ago, in July 1980, the state Office of Administrative Law opened its doors with a clear mandate from the Legislature to do what politicians love to promise: Trim big government.

The new agency was supposed to cut red tape and make state government more understandable to the public. But, as with any new undertaking, there have been problems, mainly of confusion, definition and direction.

Has OAL become just one more state bureaucracy? Has it exceeded its mandate, as critics like former state Athletic Commission Chairman Robert Fellmeth claim? Or is it actually helping to clear away some of the state's bureaucratic maze, as OAL's creator, Assemblyman Leo McCarthy, believes?

OAL was born out of the Legislature's sense of frustration over the growing body of administrative regulations. When McCarthy's Assembly Bill 1111, which created OAL, was finally passed in 1979, there were 30,000 pages — 14½ feet — of administrative regulations already in existence, all written by state government agencies in an effort to implement laws passed by the Legislature in dozens of areas.

The Legislature had already debated and defeated a proposal for a Little Hoover-type commission to attack governmental excesses. There also was, and still is, some sentiment for a legislative veto of agency-imposed regulations. Opponents of that idea managed to kill it by arguing that the lawmaking process is already too cumbersome. Besides, they said, any governor would surely veto an attempt to permit legislators to overrule executive agency directors.

Out of such debates came a compromise: OAL. It would be established as part of the executive branch, but it would be semi-autonomous. Only the governor or the courts could overturn an OAL decision.

The new agency was charged with two tasks: to review all proposed regulations, rejecting those that did not meet five specific new standards; and to oversee the review of all regulations that existed before AB 1111, repealing or improving those that did not meet the same standards. They are:

- **Necessity:** Has the agency demonstrated the need for a regulation?
- **Authority:** Is the agency authorized to issue a particular regulation?
- **Consistency:** Is the proposed regulation consistent with existing law and other regulations?
- **Clarity:** Is it clearly written, so that persons affected can easily understand it?
- **Reference:** Is there accurate reference to a specific statute or court decision that the agency is implementing?

In addition, OAL was charged with curbing the abuse of emergency regulations, which can be adopted by state agencies without benefit of public notice and hearing. Such emergency rules must now be "necessary for the immediate preservation of the public peace, health and safety or general welfare" — as determined by OAL.

AB 1111 also placed greater responsibility on the state agencies to open up their rule-making processes to the public and to ensure greater consistency in regulation setting. AB 1111 revised the state Administrative Procedures Act to require an agency to allow 45 days for interested parties and the general public to comment on proposed regulations. The agency must now also keep a detailed rule-making file that documents each step of the process, including a statement of the reasons for a proposed regulation, and any factual information relied upon by the agency in making a regulatory decision.

In its first year, OAL reported a 51 percent reduction in new regulations over the previous year. State agencies proposed 32 percent fewer regulations, and OAL rejected 37 percent of emergency regulations, according to the agency's statistics. Nevertheless, adjustment problems set in swiftly, both for OAL and the state agencies:

- **Lack of staffing** was an immediate OAL headache. Faced with reviewing the 30,000 pages of existing regulations and the thousands of new rules proposed each year, OAL opened for business with a staff of fewer than a dozen lawyers and analysts and a budget of $300,000. The problems were compounded when OAL asked for, and received, permission from Governor Jerry Brown to move up the deadline for the review of all existing regulations by four years — from December 1986 to December 1982.
- **Another problem** was consumer and environmental groups' suspicion of the term "deregulation." Would hard-won controls over business be thrown out as OAL carried out its mandate to trim big government? Could business interests use AB 1111 to get government "off its back"?
- **The biggest problem** was the inevitable collision between OAL and those who make and enforce regulations — employees of the state agencies. For them OAL became the bureaucratic equivalent of an outsider stepping on their turf. How could a supposedly neutral agency, staffed with young lawyers and lacking expertise on such matters as trout fishing and the size of hospital beds, possibly rule on every old and new regulation designed to implement hundreds of state laws? Indeed, the term "ivory tower" was heard often in the agency offices and cafeterias whenever the subject of OAL came up.

And OAL was not shy about exercising its new mandate under activist Director Gene Livingston. Last October it rejected the Social Services Department's emergency regulations to make California conform with new and more restrictive federal welfare rules. The rejection embroiled OAL in its biggest controversy to date. First, the state faced losing $26 million for each month it was out of compliance with the federal rules. And second, welfare recipients who stood to lose their benefits took the state to court after Governor Brown overruled OAL's decision. The Legislature finally passed conforming legislation in a special session called by Brown, but the matter is still in the courts.

Additional controversy and confusion arose over the definition of the "necessity" standard. How does an agency

Phil Smith is a copy editor at the Sacramento Bee.

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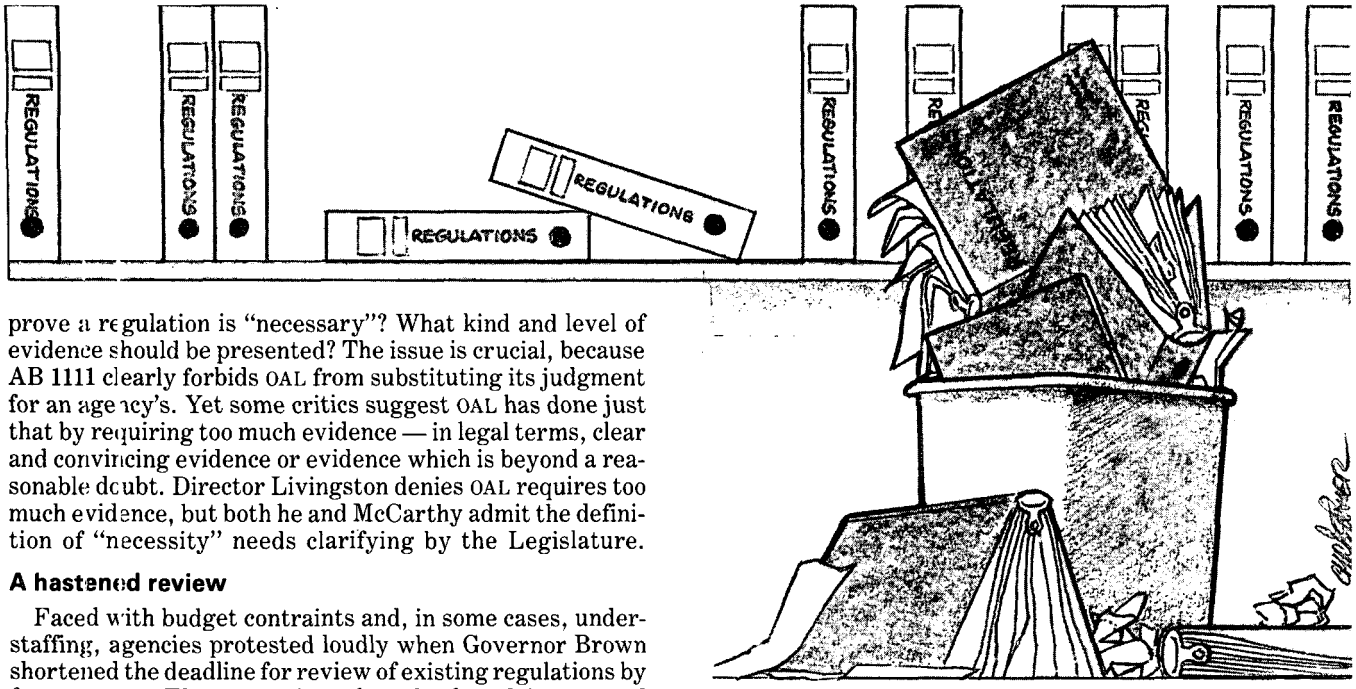

prove a regulation is "necessary"? What kind and level of evidence should be presented? The issue is crucial, because AB 1111 clearly forbids OAL from substituting its judgment for an agency's. Yet some critics suggest OAL has done just that by requiring too much evidence — in legal terms, clear and convincing evidence or evidence which is beyond a reasonable doubt. Director Livingston denies OAL requires too much evidence, but both he and McCarthy admit the definition of "necessity" needs clarifying by the Legislature.

A hastened review

Faced with budget contraints and, in some cases, understaffing, agencies protested loudly when Governor Brown shortened the deadline for review of existing regulations by four years. The agencies already faced increased workloads, mandated by AB 1111, in adopting new regulations. They complained that they were "drowning in their own juices" and could not conduct a thorough review by the end of this year. Then there were the added costs, with no additional budget provided. Even some of OAL's defenders wondered how good its reviews could be under the new time constraints.

But James Mattesich, OAL's deputy directory, and Byron Georgiou, the governor's legal affairs secretary, defend the speed-up. They argue that added pressure will force the agencies to concentrate harder on their reviews. Georgiou also admits there was a political move: Governor Brown wanted the regulatory cleanup finished before he left office.

As with any new venture, there is confusion over OAL's own procedures. What exactly should go into the rule-making file? Can a good regulation be rejected if procedure is not followed exactly?

Livingston and Mattesich admit there has been confusion. Yet, they say, no regulation has been rejected for failure to follow exact procedures, except in cases where the public has been given less than 45 days' notice. Mattesich says OAL is working closely with agency general counsels in drafting a third set of regulations which should give the agencies a clearer understanding of what is expected.

A related issue: Should OAL be required to follow the same procedures under AB 1111 that the agencies do? Critic Fellmeth, formerly of the state Athletic Commission, argues that if OAL is truly a reform-minded agency, it should hold its own public hearings on proposed regulations. Livingston insists that would only repeat what the agencies have done. Instead, Livingston and Georgiou say, OAL is like an appeals court which must decide whether the evidence that has already been presented supports the reasons for a new regulation and whether there have been potentially harmful irregularities in the process.

The agencies also complain that they are forced to repeat the entire review process if a regulation is rejected by OAL and then resubmitted in revised form. But one goal of AB 1111 is public participation in the rule-making process, Livingston argues. Any substantial change in a regulation requires that the public be allowed comment once again. The whole rationale behind AB 1111 is not to make rule-making easier, but more intelligent, Livingston asserts.

Is OAL vulnerable to special-interest pressures as it reviews proposed regulations? Livingston strongly denies that special interests have a second crack at proposed regulations after they have been submitted for review, but there is some sentiment among legislators to clarify further the restriction on secondary lobbying.

Despite the problems, time and experience appears to be working in OAL's favor. The agencies are beginning to understand the new regulatory-review process and what is expected of them. Some agencies may set up their own mini-OALs, staffed by lawyers and analysts who understand the AB 1111 process. They would advise the rule-makers and perhaps improve the process at the agency level, as well as save time and money. As the agencies improve their methods, OAL may become more of a review agency, and friction over judgment and expertise could be reduced.

For OAL and the state agencies, this year will be the busiest as they scramble to complete reviews of existing rules. Starting next year, the workload should drop. (OAL's current staff totals more than 40 persons, with a budget of $1.7 million.)

Fears of consumers

Consumer and environmental groups have had little to complain about yet, but they have one fear: Will OAL, in its efforts to reduce the size of government, toss out some of the good regulations with the bad? Will hard-won safeguards be lost? Livingston says no. The goal is better regulation, not deregulation, he insists.

But as OAL settles into state government, McCarthy and Georgiou fear that the Legislature will give the agency too much authority. Both men believe it would be unwise to involve OAL in policy making, since that should be the responsibility of an elected governor and the Legislature. Agencies should merely implement their policies and OAL should be the watchdog.

What of the future for OAL? As its process is refined, McCarthy sees OAL performing the same type of service for the agencies that the legislative counsel's office provides for the Legislature.

But one question remains unanswered: Is it true reform to focus on improving the rule-making process? Or should the Legislature be passing more tightly written bills that provide clearer guidelines for the affected agencies? Is OAL's effort in regulatory reform really an exercise in treating executive-branch symptoms, when the bureaucratic illnesses are being spawned in the legislative branch?

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A brutal balancing act

At the end of a legislative session, the leadership of the Senate or Assembly often stops the clock in an effort to take action on more bills before adjournment time. This is a year in which Governor Brown and the Legislature would probably like to stop the calendar to prevent the start of the new fiscal year on July 1st.

The prospect for balancing Brown's $27 billion 1982-83 budget without a great deal of political discomfort appears hopeless. In an election year, lawmakers are faced with the choice of angering powerful constituencies through drastic budget cuts or tax increases or both. Lawmakers were given a variety of estimates as to the magnitude of the revenue gap, ranging from $1.4 to $3.3 billion. An attempt was being made to obtain bipartisan consensus on a solution. But there were still key questions to be answered with only a few weeks left before the start of the fiscal year:

- ***Would the voters*** approve ballot initiatives — abolishing the state inheritance tax and maintaining full indexing of the income tax? Passage of both plans would put the budget some $360 million deeper into the red.
- ***Would lawmakers*** be able to stand the political pressure resulting from a refusal to grant any cost-of-living increases this year?
- ***Could the Legislature*** stand the heat from the counties for a proposal to shift responsibility for 300,000 medically indigent Californians from the state to the counties?
- ***How much could*** be cut from the massive Medi-Cal program, given the enormous political clout of doctors and hospitals? The physicians' California Medical Association has been the single largest contributor to political campaigns over the past few years, according to a statistical analysis by Common Cause. Medi-Cal cuts totaling $500 million have been placed on operating tables of the Legislature's fiscal committees.
- ***How can the*** Legislature and Governor Brown obtain large hunks of money from tax increases without enraging the citizenry four months before the November election? An oil severence tax (as a replacement for the inheritance tax) has been under discussion, and there is talk of reviving a plan to establish a tipplers' tax of 5 cents per drink served in bars and restaurants. Democrats also proposed more dramatic tax hikes, and they were promptly rejected by Republicans.

In the early maneuvering over the budget, legislative leaders have been playing with relatively small numbers, perhaps under the assumption that the outlook is not as dark as has been portrayed. (In the past, budgetary problems have often been overdramatized.) In fact, one measure that will bring the state perhaps only $1 million a year in revenue was enacted as a partial solution to the crisis.

That measure, authored by Assemblyman Frank Vicencia and signed into law by Brown, allows California horse race tracks to accept bets on large-purse races at tracks outside the state. It has been estimated that the bill will affect about 100 races a year. The state will get 6 percent of the handle, and 85 percent will remain in the bettors' pool. The other 9 percent will go to the track where the race is run, the track where the bet is placed and to horseowners.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through mid-May. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y — Yes **N — No**
***— Absent or not voting**

A 2/3 vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. (⅔ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. (⅔ = 27 votes)

SENATE (23D, 17R)

	SB 1545 AB 2663 SCR 67 SR 35	SB 203 SB 8 SB 1333 SCA 21		SB 1545 AB 2663 SCR 67 SR 35	SB 203 SB 8 SB 1333 SCA 21
Alquist (D)	NYNN	YYYY	Marks (R)	*YNY	YNYY
Ayala (D)	NYNN	YYYN	Mello (D)	YYYY	YYYY
Beverly (R)	*YYY	NYYY	Mills (D)	NYNN	*YYY
Boatwright (D)	NYYN	NYYY	Montoya (D)	****	*YYY
Campbell (R)	NY**	Y**Y	Nielsen (R)	YYY*	NYNN
Carpenter (D)	NYYY	*Y*Y	O'Keefe (R)	Y***	NN*N
Craven (R)	*YYY	YNYY	Petris (D)	YNNY	YYYY
Davis (R)	YYYN	YNYY	Presley (D)	NYYN	YYYY
Dills (D)	NYNY	YYNN	Rains (D)	YY**	YY*Y
Doolittle (R)	*NY*	NYNN	Richardson (R)	YNYN	NNNN
Ellis (R)	NNYN	YNNY	Robbins (D)	YYYY	*N*Y
Foran (D)	*YNN	NYYY	Roberti (D)	YY*Y	YYYY
Garamendi (D)	YYY*	YYYY	Russell (R)	NNYN	NYNY
Garcia, A. (D)	*Y**	YY*Y	Schmitz (R)	*YYN	NNN*
Garcia, M. (R)	**YN	**NY	Seymour (R)	N*YN	--N-
Greene (D)	NY**	YYYY	Sieroty (D)	YNNY	YYYY
Holmdahl (D)	N*YY	YYYN	Speraw (R)	YN*N	**N*
Johnson (R)	YYYN	N*YN	Stiern (D)	Y*NY	YYNN
Keene (D)	YY*Y	YYYY	Vuich (D)	YYYN	NYNN
Maddy (R)	YYY*	N*NY	Watson (D)	YYNY	YYYY

SENATE

AGRICULTURE AND BUSINESS

SB 1545 (Vuich) — Revises formula for milk transportation allowances so that Central California producers would pay more and Southern California producers less. Defeated, 18-13 (21 votes required).

AB 2663 (Vicencia) — Allows California racetracks to take bets on high-stakes out-of-state horseraces. Passed, 27-7.

EDUCATION

SCR 67 (Robbins) — Asks Los Angeles Board of Education to delay closing certain schools pending a United States Supreme Court decision on busing. Passed, 21-10.

SR 35 (Watson) — Establishes special Senate Advisory Commission on Teacher Quality. Defeated, 14-16.

MISCELLANEOUS

SB 203 (Rains) — Increases interest rates in civil-injury actions from 7 to 10 percent. Passed, 21-12.

SB 8 (Boatwright) — Omits 30 pages of technical information on reapportionment from the ballot pamphlet. Defeated, 26-8 (27 votes required).

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SB 1333 (Presley) — Extends prohibition on killing of mountain lions for three years. Passed, 21-13.

SCA 21 (Keene) — Proposed constitutional amendment allowing public pension plans to invest more of their funds in common stocks. Passed, 27-10.

ASSEMBLY

EDUCATION

AB 2530 (Hughes) — Changes the name of the state Commission for Teacher Preparation and Licensing to the Ryan Commission (after the late Congressman Leo J. Ryan). Passed, 51-19.

AB 2391 (Hannigan) — Authorizes schools to assess textbook fees of up to $20 a semester. Assembly rescinds previous vote and sends bill back to committee, 43-26.

ELECTIONS

AB 2400 (Sher) — Authorizes local governments to conduct elections by mail under specified circumstances. Passed, 43-28.

AB 3064 (Alatorre) — Requires that individuals signing ballot-measure petitions fill in their current residential addresses instead of the addresses at which they are registered to vote. Passed, 41-29.

EMPLOYMENT

AB 2383 (Floyd) — Prohibits state and local governments from requiring employees or job applicants to take lie-detector tests as a condition of employment (with the exception of police and fire departments). Passed, 44-25.

AB 2496 (Floyd) — Allows spouses of totally disabled veterans to receive 10 preference points on certain civil-service examinations. Passed, 56-9.

MISCELLANEOUS

AB 3203 (Berman) — Appropriates $168 million to cover Medi-Cal deficit for 1981-82 fiscal year. Passed, 57-15.

AB 3383 (Vasconcellos) — Appropriates $1.47 million to pay damage claims resulting from anti-Medfly spraying. Passed, 60-12.

HR 43 (Chacon) — Requires that state agencies provide foreign-language services to those who do not speak English. Defeated, 27-40.

SCA 21 (Keene) — Proposed constitutional amendment permitting public pension and retirement funds to invest more of their funds in common stock. Approved, 65-3.

Note: Assemblyman Richard Mountjoy inserted a notice in the Assembly Journal that his "no" vote on AB 2496 was in error and that he intended to vote "yes."

ASSEMBLY (49D, 31R)	AB 2530	AB 2391	AB 2400	AB 3064	AB 2383	AB 2496	AB 3203	AB 3383	HR 43	SCA 21
Agnos (D)	N	*	Y	Y	Y	Y	Y	Y	Y	Y
Alatorre (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Baker (R)	N	N	N	N	N	Y	N	Y	N	Y
Bane (D)	N	Y	Y	Y	*	*	*	Y	*	Y
Bates (D)	Y	Y	Y	N	Y	Y	Y	Y	*	Y
Bergeson (R)	*	N	Y	N	N	Y	N	Y	N	Y
Berman (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bosco (D)	N	*	*	Y	Y	Y	N	*	Y	Y
Brown, D (R)	N	N	N	N	N	N	N	Y	N	Y
Brown, W. (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Campbell (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Chacon (D)	Y	Y	Y	*	Y	Y	Y	Y	Y	Y
Cortese (D)	Y	Y	Y	Y	Y	Y	*	Y	Y	Y
Costa (D)	Y	Y	N	Y	N	N	N	N	*	Y
Cramer (D)	Y	*	Y	Y	Y	Y	Y	N	*	Y
Deddeh (D)	Y	*	Y	Y	Y	Y	Y	N	Y	Y
Duffy (R)	Y	*	N	N	*	Y	Y	N	*	Y
Elder (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Farr (D)	Y	Y	*	Y	Y	Y	Y	*	Y	Y
Felando (R)	N	N	N	N	N	Y	N	Y	N	Y
Filante (R)	Y	N	Y	N	N	Y	Y	N	Y	Y
Floyd (D)	Y	Y	Y	Y	Y	Y	Y	Y	*	Y
Frazee (R)	N	N	Y	*	N	Y	Y	N	Y	Y
Frizzelle (R)	Y	*	*	N	N	N	N	N	N	Y
Goggin (D)	Y	Y	*	Y	Y	Y	Y	*	*	Y
Greene (D)	Y	Y	Y	Y	Y	Y	Y	*	*	N
Hallett (R)	*	N	N	*	*	*	Y	N	Y	Y
Hannigan (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Harris (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Hart (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y
Herger (R)	Y	N	N	N	N	Y	N	Y	N	Y
Hughes (D)	Y	Y	Y	*	*	*	*	Y	Y	Y
Imbrecht (R)	Y	Y	N	Y	N	Y	Y	Y	Y	Y
Ingalls (D)	Y	N	N	Y	*	*	N	*	N	Y
Ivers (R)	Y	N	N	N	*	Y	N	*	N	Y
Johnson (R)	*	N	N	N	*	Y	*	*	N	Y
Johnston (D)	Y	Y	N	Y	Y	Y	N	Y	N	Y
Kapiloff (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Katz (D)	Y	Y	Y	Y	Y	Y	Y	*	Y	Y
Kelley (R)	N	N	N	N	N	Y	Y	N	Y	Y
Konnyu (R)	N	N	N	N	N	N	Y	N	Y	Y
LaFollette (R)	Y	N	N	N	N	Y	Y	Y	N	*
Lancaster (R)	Y	*	N	N	N	*	Y	Y	N	Y
Lehman (D)	*	Y	N	*	Y	Y	Y	N	Y	Y
Leonard (R)	Y	N	N	N	N	N	*	Y	N	Y
Levine (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Lewis (R)	N	N	N	N	N	*	N	Y	N	Y
Lockyer (D)	N	Y	N	Y	Y	Y	Y	Y	N	Y
Marguth (R)	*	N	N	*	*	*	Y	Y	N	Y
Martinez (D)	Y	*	N	Y	Y	Y	Y	Y	Y	Y
McAlister (D)	N	Y	Y	Y	Y	*	Y	*	Y	*
McCarthy (D)	Y	*	Y	Y	Y	Y	Y	Y	Y	Y
Moore (D)	*	Y	Y	*	*	*	*	N	Y	Y
Moorhead (D)	N	Y	Y	N	*	*	Y	N	Y	Y
Mountjoy (R)	N	N	N	N	N	N	N	Y	N	Y
Naylor (R)	Y	N	Y	N	N	*	Y	N	Y	Y
Nolan (R)	N	*	N	N	N	*	N	Y	N	*
Papan (D)	Y	Y	Y	Y	Y	Y	Y	Y	*	Y
Robinson (D)	N	Y	*	Y	Y	Y	Y	Y	N	Y
Rogers (R)	N	N	N	N	*	*	*	Y	N	Y
Roos (D)	Y	Y	Y	Y	Y	*	Y	Y	*	Y
Rosenthal (D)	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
Ryan (R)	Y	N	Y	*	N	N	Y	N	Y	Y
Sebastiani (R)	Y	N	*	N	N	N	N	N	N	Y
Sher (D)	Y	Y	Y	Y	Y	*	Y	Y	*	Y
Statham (R)	Y	Y	N	N	N	Y	Y	N	Y	Y
Stirling, D. (R)	*	N	N	N	N	*	N	*	N	Y
Stirling, L. (R)	N	Y	Y	N	N	Y	Y	*	Y	Y
Tanner (D)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Thurman (D)	Y	Y	Y	Y	Y	Y	Y	N	*	Y
Torres (D)	Y	Y	*	*	Y	Y	Y	*	Y	Y
Tucker (D)	Y	Y	*	Y	*	Y	Y	Y	Y	N
Vasconcellos (D)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Vicencia (D)	Y	Y	*	Y	Y	Y	*	Y	Y	Y
Waters, M. (D)	*	Y	Y	Y	Y	Y	Y	N	Y	Y
Waters, N. (D)	Y	Y	Y	Y	Y	Y	Y	N	N	Y
Wray (D)	Y	Y	Y	*	Y	Y	*	Y	*	Y
Wright (R)	Y	N	N	N	N	N	Y	N	Y	Y
Wyman (R)	*	N	N	*	N	N	Y	N	N	Y
Young (D)	*	Y	*	Y	Y	Y	Y	*	Y	Y

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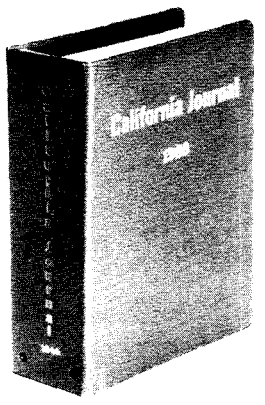

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Brown's pet zealot

A few weeks ago, Jerry Brown was fretting about the intentions of his faithful adversary, Interior Secretary James Watt. With deadlines approaching for important decisions on opening new areas off the California coast to oil production, Brown couldn't quite figure out how Watt would handle this hot political issue in an election year. The secretary got burned last year when he tried to lease four basins along some of Northern California's most scenic coastal stretches. Under pressure from embarrassed state GOP leaders, he was forced to beat a quick retreat. This time, the stakes were even bigger. California's entire 1,100-mile coastline figured prominently in a new push by Watt to accelerate off-shore development. Would he compromise, finesse or delay his leasing plans to avoid another political firestorm? Or would he just barrel ahead?

IN SACRAMENTO, where Brown's gearing up his Senate campaign, the governor was getting nervous. Polls showed him with high negative ratings. California is mired in a recession and state budget deficits are going through the roof. Brown knew he could use a popular issue like defending the beauty of California's coast against Watt's depredations. It's a cause with a constituency that goes far beyond the environmental movement. Local governments, the tourist industry, fishing interests and elected officeholders of both parties are ready at a moment's notice to jump into the fray. For Brown, it was a guaranteed winning ticket — if only Watt would cooperate.

Yet, precisely because the political ramifications were so obvious, it was assumed Watt wouldn't play Brown's game again. In putting the finishing touches on a Southern California off-shore lease sale planned for this month, the secretary had the option to eliminate some environmentally sensitive tracts if he wanted to blunt Brown's opposition. Off Northern California, where a lease sale was scheduled for September 1983, Watt could play for time, delay the planning process and not tip his hand about exactly where oil rigs might go up until after the November elections. This way, Brown would have no target to shoot at and Republican politicians in the state could breathe more easily.

As it turned out, the governor had no reason to worry. True to form, Watt plunged ahead, oblivious of the political consequences. Acting with a naivete that amazed even some of his own staff, the secretary set in motion planning and environmental studies for the 1983 Northern California lease sale. Although he excluded the four controversial basins which had given him such a headache last year, he opened the way for possible drilling along a much vaster off-shore area covering nearly 9 million acres from Point Conception to the Oregon border. Suddenly, 90 percent of the Northern California coast, including tracts off Big Sur, San Francisco and Marin, had been turned into a potential target for Watt's drive to expand off-shore production.

Interior officials subsequently scrambled to issue assurances that, once all the planning was done, no more than a fraction of the 9 million acres was likely to be offered at next year's bid auction and that many tracts would be dropped because of low potential yield. But the political damage was done.

On Capitol Hill, Democrat Leon Panetta of Monterey introduced a House bill to establish an oil-drilling moratorium along the entire Northern California coast until the year 2000. "Watt is putting up 90 percent of our coastline for drilling while he's protecting 10 percent," said Panetta. "That's a hell of a deal." Don Clausen of Crescent City, the chairman of the Republican congressional delegation, eventually joined as co-sponsor of the moratorium bill. Clausen's north-coast district is in the eye of the controversy and he faces a tough re-election fight. After some initial hesitation, Clausen jumped on the anti-Watt bandwagon.

The Sierra Club and Democratic Senator Alan Cranston said Watt's exclusion of the four basins was a transparent attempt to divert attention from his plans to open up the rest of the Northern California coast. "It's Watt's version of a Trojan horse," said Cranston. The Sierra Club called it "another smokescreen, a red herring." Drilling opponents point out that Watt gave up nothing since Congress previously banned leasing of the four basins.

But the biggest blast, right on schedule, came from Sacramento where Brown felt free to zap Watt with customary gusto. Summoning his considerable rhetorical powers, the governor said the secretary was engaged in a "headlong rush to auction off the patrimony of California." Brown compared Watt to Russian czars who sold off Alaska to pay war debts. "Watt is a zealot with an ideological commitment to auctioning off the public trust," he declared. "He wants the reputation of having sold off more public lands than all other Interior secretaries combined. He's out to drain California first and to ravage the environment."

Brown, however, didn't want to be seen as an extreme environmentalist always opposing off-shore oil drilling. Off Northern California, he argued, thre isn't enough oil and gas to warrant running serious environmental risks. In Southern California, the governor was willing to go along with quite a bit of off-shore production. But Watt again overreached. After weeks of haggling, the secretary gave the go-ahead for a bid auction this month to lease 856,000 acres. He excluded several tracts near Santa Barbara. But he turned down Brown's request to delete another 20 tracts near Santa Monica Bay, Long Beach and Newport Beach. Charging that marine resources, popular beaches and shipping lanes were threatened, Brown and the State Coastal Commission filed a federal suit to block these portions of the Southern California lease sale. From Mexico to Oregon, Watt had given the governor the kind of issue politicians dream of.

"It would have been so easy for Watt to call our bluff," said one Brown aide. "All he had to do was to drop a few tracts and he still could have held on to 85 percent of the leasing area, without getting challenged by Jerry."

SINCE THE REAGAN White House and Watt are not exactly Brown's bosom pals, why did the administration plunge ahead, even at the risk of antagonizing many Republicans in California? There's much conjecture and a few answers. Faced with horrendous budget deficits, the administration is counting on increased off-shore oil royalties to reduce the government's red-ink figures. The White House political operation is showing signs of fatigue. Perhaps most importantly, there is Watt's almost fanatical zeal to open the public domain to commercial development. Whatever the reason, Brown has reason to be grateful.

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